

1           INSPECTOR MACK:     So did you have words with  
2 anybody?

3           [REDACTED]     No not at all.

4           INSPECTOR MACK:     And did anybody say  
5 anything to you?

6           [REDACTED]     No really but the um I don't  
7 remember there was um there was um a lot of people  
8 there arguing about some I don't remember what we  
9 just passed by that.

10          INSPECTOR MACK:    Okay where...where were they  
11 arguing?

12          [REDACTED]     I don't know we just passed by them.

13          INSPECTOR MACK:    I men was it on the corner  
14 was it up the street.

15          [REDACTED]     In the corner right on the corner.

16          INSPECTOR MACK:    And what...describe these  
17 people. What did they look like?

18          [REDACTED]     There was boys and girls right there  
19 but I really don't know.

20          INSPECTOR MACK:    [REDACTED]

21          [REDACTED]     Both [REDACTED]

22          INSPECTOR MACK:    [REDACTED]

23          [REDACTED]     Yeah.

24          INSPECTOR MACK:    Okay and.

25          [REDACTED]     They were arguing about some but I

1 don't remember what...what they were arguing about so  
2 we just walked by them and um but I really don't  
3 remember who runs who don't run I mean cause that  
4 a...that's there's a pizza place right there on the  
5 corner to.

6 INSPECTOR MACK: Right.

7 [REDACTED] So when the shooting starts  
8 everybody runs into that pizza place but ah I don't  
9 remember who got shot who don't got shot really  
10 that...that happened so quick I mean.

11 INSPECTOR MACK: Okay and the person that  
12 was doing the shooting um can you describe [REDACTED] to  
13 me?

14 [REDACTED] There was a [REDACTED] [REDACTED] but ah  
15 [unintelligible].

16 INSPECTOR MACK: Did you see the [REDACTED] with  
17 the gun shoot you? Did you see that?

18 [REDACTED] Yeah [REDACTED] was close to me.

19 INSPECTOR MACK: Okay let's describe it one  
20 thing at a time so we don't get confused. So that  
21 [REDACTED] can you tell me what [REDACTED] looked like?

22 [REDACTED] I presume [REDACTED] is [REDACTED] but I'm not  
23 sure cause it's kind of dark right there but ah  
24 [REDACTED] like [REDACTED]

25 INSPECTOR MACK: [REDACTED] possible

1 [REDACTED].  
2 [REDACTED] Possibly yeah.  
3 INSPECTOR MACK: Okay how tall?  
4 [REDACTED] Ah a little bit taller than me.  
5 INSPECTOR MACK: How tall are you?  
6 [REDACTED] Like [REDACTED].  
7 INSPECTOR MACK: So.  
8 [REDACTED] And ah [REDACTED] not...not.  
9 INSPECTOR MACK: A little taller like [REDACTED]  
10 [REDACTED].  
11 [REDACTED] Yeah.  
12 INSPECTOR MACK: Okay how about [REDACTED] face [REDACTED]  
13 have a [REDACTED].  
14 [REDACTED] No.  
15 INSPECTOR MACK: [REDACTED]  
16 [REDACTED] [REDACTED] has [REDACTED] hair kind of like  
17 you.  
18 INSPECTOR MACK: [REDACTED] hair.  
19 [REDACTED] Not like me like you ah [REDACTED] hair.  
20 INSPECTOR MACK: [REDACTED] hair what color?  
21 [REDACTED] Ah [REDACTED]  
22 INSPECTOR MACK: [REDACTED].  
23 [REDACTED] [REDACTED] yeah.  
24 INSPECTOR MACK: Okay and what kind of  
25 clothing does [REDACTED] wear?

1 [REDACTED] Black clothes all black clothes.

2 INSPECTOR MACK: All black clothes.

3 [REDACTED] Yeah.

4 INSPECTOR MACK: Like what kind of  
5 clothes?

6 [REDACTED] I don't know just black yeah.

7 INSPECTOR MACK: Like black sweater jacket  
8 could you tell leather?

9 [REDACTED] No...no...no I was like um t-shirt...a  
10 black t-shirt.

11 INSPECTOR MACK: Black t-shirt.

12 [REDACTED] Black pants.

13 INSPECTOR MACK: Black pants.

14 [REDACTED] Yeah.

15 INSPECTOR MACK: What kind of shoes?

16 [REDACTED] I really don't look at the shoes  
17 cause um I just remember the [REDACTED] pointing the ah  
18 gun to me and shooting but um I really don't look  
19 up the shoes at all.

20 INSPECTOR MACK: Okay did you see how [REDACTED]  
21 was shooting? Can you...can you describe how [REDACTED] was  
22 shooting to me?

23 [REDACTED] [REDACTED] was pointing the gun with [REDACTED]  
24 right hand [REDACTED] was I...I assume [REDACTED] was right handed  
25 cause um [REDACTED] was pointing like this and shooting

1 like.

2 INSPECTOR MACK: Okay so for the record and  
3 this is for the record you extended your right hand  
4 straight out.

5 [REDACTED] Ah ha.

6 INSPECTOR MACK: Um and made a motion like  
7 squeezing a trigger on a gun.

8 [REDACTED] Yeah.

9 INSPECTOR MACK: So was that probably  
10 shoulder length [unintelligible].

11 [REDACTED] Yeah kind of yeah.

12 INSPECTOR MACK: Okay and um was [REDACTED] saying  
13 anything at all?

14 [REDACTED] No [REDACTED] didn't say a word.

15 INSPECTOR MACK: Okay and um.

16 [REDACTED]: [Unintelligible].

17 INSPECTOR MACK: Who was that?

18 INSPECTOR: A [REDACTED].

19 INSPECTOR MACK: Oh a [REDACTED]  
20 [unintelligible].

21 [REDACTED]: [REDACTED]

22 INSPECTOR MACK: Um okay so do you...can you  
23 describe to me the gun what it looked like?

24 [REDACTED] I really didn't look at the gun.

25 INSPECTOR MACK: [Unintelligible] like

1 semi-auto revolver.

2 [REDACTED] I really don't know.

3 INSPECTOR MACK: Silver...black.

4 [REDACTED] I really don't know much about guns  
5 but ah all I can say is I just see the sparks when  
6 the...[REDACTED] shoots it there were some sparks going off  
7 [unintelligible].

8 INSPECTOR MACK: There was a flash.

9 [REDACTED] Yeah but that's about it I mean once  
10 you see the gunshots on the street you...you get  
11 freaked out. I mean I don't know I mean I don't  
12 know what kind of gun [REDACTED] got what caliber [REDACTED] gots.  
13 I really don't know about that,

14 INSPECTOR MACK: Could you tell if [REDACTED] was  
15 with...with anybody else?

16 [REDACTED] Ah it's hard to say cause um like I  
17 said there was a big crowd right there.

18 INSPECTOR MACK: Okay.

19 [REDACTED] It's hard for me to say that [REDACTED]  
20 with somebody or not. Cause once [REDACTED] pulled out the  
21 gun and started shooting everybody runs like crazy  
22 you know.

23 INSPECTOR MACK: Okay what foot did you get  
24 shot in?

25 [REDACTED] The left ah.

1           INSPECTOR MACK:     Left foot.

2           [REDACTED]     Left foot yeah.

3           INSPECTOR MACK:     Okay you mentioned earlier  
4        you were wearing red tonight.

5           [REDACTED]     Ah ha.

6           INSPECTOR MACK: You had a red shirt or red  
7        hat.

8           [REDACTED]     No red hat.

9           INSPECTOR MACK:     Okay and you made mention  
10      maybe that had something to do with it.

11      What...what's red mean to you?

12      [REDACTED]     I know there are some problems if  
13      you wear red or blue you know but um.

14      INSPECTOR MACK:     Okay what's...what's between  
15      the two what...what's the problem between the two?

16      [REDACTED]     I mean if you.

17      INSPECTOR MACK:     So what's red stand for?

18      [REDACTED]     I know that red stands for something  
19      and blue stands for something but I really don't  
20      know what.

21      INSPECTOR MACK:     Is like red the north.

22      [REDACTED]     I don't know.

23      INSPECTOR MACK:     You don't know okay.

24      [REDACTED]     That's ah that's ah [unintelligible]  
25      everybody wears different clothes.

1                   INSPECTOR MACK:     Oh okay well this [REDACTED]  
2                   wasn't wearing blue or anything like that?  
3                   [REDACTED]     No...no.  
4                   INSPECTOR MACK:     Okay and um are you a part  
5                   of any gang at all?  
6                   [REDACTED]     [REDACTED].  
7                   INSPECTOR MACK:     Okay you're not associated  
8                   with [REDACTED]  
9                   [REDACTED]     No.  
10                  INSPECTOR MACK:    Anything like that.  
11                  [REDACTED]     No.  
12                  INSPECTOR MACK:    Okay I mean I've got to  
13                  ask.  
14                  [REDACTED]     [Unintelligible].  
15                  INSPECTOR MACK:    I've got to ask  
16                  [unintelligible].  
17                  [REDACTED]     Yeah I know.  
18                  INSPECTOR MACK:    Cause there might be some  
19                  know if say its red maybe it's a gangbang may have  
20                  mistook for you know.  
21                  [REDACTED]     Yeah.  
22                  INSPECTOR MACK:    That's why I ask those  
23                  questions.  
24                  [REDACTED]     That's all right.  
25                  INSPECTOR MACK:    All right so just a few

1 more questions. Um so is it fair to say you  
2 weren't hanging out on that street prior like an  
3 hour or so before that.

4 [REDACTED] No.

5 INSPECTOR MACK: No possibility.

6 [REDACTED] It was less then that.

7 INSPECTOR MACK: Do you know there's a lot  
8 of video around there? So we've got...we've  
9 got...we've got bank cameras and all that stuff video  
10 so is there any chance that you know maybe you were  
11 there an hour before or an hour before a half an  
12 hour before.

13 [REDACTED] I was there like at least for  
14 fifteen minutes maybe.

15 INSPECTOR MACK: Okay fifteen minutes okay.

16 [REDACTED] Yeah.

17 INSPECTOR MACK: And is that a place you  
18 frequent? Do you got down there a lot or is the  
19 first time you've been down there.

20 [REDACTED] I went a lot but not right now  
21 before like.

22 INSPECTOR MACK: Like.

23 [REDACTED] Three or four years ago.

24 INSPECTOR MACK: Three or four years ago.

25 [REDACTED] Yeah.

1                   INSPECTOR MACK:     You used to go where?

2                   [REDACTED]     To ah [unintelligible] it's a club

3     right there but that was a long time ago.

4                   INSPECTOR MACK:     A long time ago.

5                   [REDACTED]     Yeah.

6                   INSPECTOR MACK:     Okay and um that's about

7     it but you have...when's the last...before last night

8     or this morning when was the last time you were

9     there?

10                  [REDACTED]     About four years ago.

11                  INSPECTOR MACK:     Four years ago.

12                  [REDACTED]     Yeah.

13                  INSPECTOR MACK:     You haven't been there in

14     four years.

15                  [REDACTED]     No.

16                  INSPECTOR MACK:     Okay um all right

17                  [REDACTED].is there any way to get a hold of

18                  [REDACTED]?

19                  [REDACTED]     [REDACTED] before but the thing

20     is that I saw [REDACTED] out on the street and I...I told,

21     hey let's go and have a drink and then we just

22     decided to go over but ah I don't got [REDACTED] cell

23     phone. I don't know where [REDACTED] lives but I think

24     some of my friends got [REDACTED] cell phone so if I might

25     can get I might can get hooked up with [REDACTED] later on

1 not today maybe tomorrow.

2 INSPECTOR MACK: Okay I'm going to give you  
3 my card.

4 [REDACTED] Yeah.

5 INSPECTOR MACK: Um before we leave. All  
6 right so let me get this straight. About 1:00 you  
7 leave with your friend from a restaurant around  
8 Geneva.

9 [REDACTED] Yes.

10 INSPECTOR MACK: In the Mission right.

11 [REDACTED] Ah ha.

12 INSPECTOR MACK: And you're in there  
13 drinking beers.

14 [REDACTED] Yes.

15 INSPECTOR MACK: For a couple of hours.

16 [REDACTED] No no for like thirty minutes maybe  
17 yeah.

18 INSPECTOR MACK: Okay and where were you  
19 before that?

20 [REDACTED] I was at my house.

21 INSPECTOR MACK: Your house.

22 [REDACTED] Yeah.

23 INSPECTOR MACK: Okay who were you with?

24 [REDACTED] Alone.

25 INSPECTOR MACK: You're alone.

1 [REDACTED] Yeah.

2 INSPECTOR MACK: Okay did you make any  
3 phone calls or anything like that.

4 [REDACTED] I was drinking a few beers at my  
5 house yeah.

6 INSPECTOR MACK: Okay and then you take a  
7 cab with [REDACTED] from Geneva and Mission.

8 [REDACTED] Ah ha.

9 INSPECTOR MACK: Down there at Columbus and  
10 Broadway and you get there maybe around 1:30.

11 [REDACTED] Around 1:30 yes. I assume it takes  
12 like thirty minutes to get there from Geneva to ah  
13 Broadway.

14 INSPECTOR MACK: Okay and then you ah walk  
15 around Broadway don't go in the strip joints.

16 [REDACTED] Yeah.

17 INSPECTOR MACK: And then you up to  
18 Columbus and that's when you're shot.

19 [REDACTED] We walk back...we walk back and ah try  
20 to catch up a cab to go back home but ah that's  
21 when everything happened right there.

22 INSPECTOR MACK: Okay so you didn't get any  
23 confrontation with anybody in a car driving by.

24 [REDACTED] No no no.

25 INSPECTOR MACK: Anybody on the street.

1 [REDACTED] No.

2 INSPECTOR MACK: Um there would be no  
3 reason for you to be on any video in a  
4 confrontation with anybody like that.

5 [REDACTED] No that's what I told ah the other  
6 officer. I don't know you might have a video right  
7 there cause um.

8 INSPECTOR MACK: I know there's a lot of  
9 video there.

10 [REDACTED] Yeah cause ah.

11 INSPECTOR MACK: Because across the street  
12 got a real [unintelligible] Wells Fargo's got a  
13 [unintelligible].

14 [REDACTED] That corner right there.

15 INSPECTOR MACK: Yeah.

16 [REDACTED] That's.

17 INSPECTOR MACK: We've got some good video.

18 [REDACTED] Yeah.

19 INSPECTOR MACK: So we should be able...you  
20 know from all that video we should be able to  
21 figure out a lot you know what I mean.

22 [REDACTED] [Unintelligible].

23 INSPECTOR MACK: Who was there and who was  
24 doing the shooting.

25 [REDACTED] I think so yes.

1           INSPECTOR MACK:     Seeing you know seeing you  
2     get shot and all that so it should be all pretty  
3     good.

4           [REDACTED]     Yeah.

5           INSPECTOR MACK:     Okay ah anything else you  
6     want to add? Anything else missing.

7           [REDACTED]     No not really.

8           INSPECTOR MACK:     Are you sure.

9           [REDACTED]     Yeah.

10          INSPECTOR MACK:    Okay you know what we're  
11     probably going to want to do a follow up with you  
12     when you...you know you're more comfortable.

13          [REDACTED]     Yeah.

14          INSPECTOR MACK:    Um so this like the good  
15     number. Is your...your phone in there with you right  
16     now.

17          [REDACTED]     No.

18          INSPECTOR MACK:    Okay.

19          [REDACTED]     No it's not.

20          INSPECTOR MACK:    Um so that's a good  
21     number...what's that number again?

22          [REDACTED]     that's [REDACTED]

23          INSPECTOR MACK:    Ah [REDACTED].

24          [REDACTED].

25          INSPECTOR MACK:    Yeah that's a good number

1 to get a hold of you.

2 [REDACTED] Ah ha yeah that's my cell phone.

3 INSPECTOR MACK: That's your cell phone.

4 [REDACTED] Yeah.

5 INSPECTOR MACK: Okay and ah you work for  
6 [REDACTED]?

7 [REDACTED] Ah ha.

8 INSPECTOR MACK: Okay and you work [REDACTED]  
9 [REDACTED].

10 [REDACTED] [REDACTED].

11 INSPECTOR MACK: Is that a [REDACTED]? What's  
12 going on there?

13 [REDACTED] That a [REDACTED] we are [REDACTED]  
14 [REDACTED] right there.

15 INSPECTOR MACK: You're [REDACTED] [REDACTED].

16 [REDACTED] Yes.

17 INSPECTOR MACK: What kind of work do you  
18 do?

19 [REDACTED] [REDACTED].

20 INSPECTOR MACK: [REDACTED].

21 [REDACTED] [REDACTED] yeah.

22 INSPECTOR MACK: Oh okay okay sounds good.

23 All right [REDACTED] I'm going to leave you my card okay.

24 [REDACTED] All right.

25 INSPECTOR MACK: And ah give me a call if

1 you have any questions. All probably call you in  
2 the next couple of days.

3 [REDACTED] Okay.

4 INSPECTOR MACK: Or if not one of my co-  
5 workers.

6 [REDACTED] All right.

7 INSPECTOR MACK: Just for a follow-up just  
8 come talk to you and just there's a lot times you  
9 remember stuff.

10 [REDACTED] Okay.

11 INSPECTOR MACK: Okay all right so I'm  
12 going to end the interview. It is now ah 5 after  
13 8:00.

14 END OF DOCUMENT

# FIREARM DISCHARGE REVIEW BOARD PRESENTATION



~~CONFIDENTIAL~~

December 21, 2010  
OIS 10-005

# OIS #10-005

- DATE: July 3, 2010
- TIME: APPROXIMATELY 0131 HOURS
- PLACE: COLUMBUS AVE AND GRANT ST
  
- INCIDENT:

Inspector Newman and Sergeant Kasper were on duty in plain clothes and assigned to the Criminal Investigation Unit (CIU). They were driving NB Columbus Av towards Grant Av. They saw a crowd of persons engaged in a verbal altercation when numerous gunshots rang out

## OFFICERS INVOLVED

Inspector John “Jay” Newman #1481  
5X112  
DOE: (23 ½ years)  
Passenger

Sergeant Jon Kasper #68  
5X111  
DOE: [REDACTED] (14 years)

Driver of an unmarked Ford Taurus

# Narrative

- Insp. Newman and Sgt. Kasper were on patrol, in an unmarked police vehicle driving west on Broadway towards Columbus Ave. Sgt. Kasper turned right (north) onto Columbus Ave when their attention was drawn to a large group of 25-30 people.
- Based on their training and experience they saw that this group had possible gang affiliation. They saw some persons wearing red sweatshirts/caps and others wearing blue sweatshirts.

# Narrative (cont.)

- Inspector Newman had his window down and heard them ‘mouthing off’ to each other. They were driving parallel to the suspects, approximately 15-20 feet away. This verbal altercation between the group escalated when one took off jacket and began yelling and screaming
- While observing this, Inspector Newman thought, “Looks like there’s something ready to happen” and then heard Sergeant Kasper say, “What’s up here?”

# Narrative (cont.)

- Inspector Newman heard, what he thought were firecrackers, only to see a \_\_\_\_\_ shooting into the crowd. Inspector Newman saw multiple people drop to the ground.
- Not in a tactical position to engage the shooter in the crowd; Newman kept a visual on the shooter as \_\_\_\_\_ turned and started walking up Grant from Columbus with another subject.

# Narrative (cont)

- Sgt. Kasper drove ahead to Grant and Fresno to cut off the path of escape as Insp. Newman followed on foot. Insp. Newman identified himself as he ordered the shooter to drop the weapon.
- Insp. Newman said the shooter turned towards his direction, raised and pointed a gun at him. Insp. Newman, “I knew I was in danger, I didn’t know where my partner was, I felt my life was threatened and I feared for my life, I took one shot from approximately 20’ away”
- Insp. Newman missed the shooter but yelled orders to get down to the ground. The shooter complied and he arrested [REDACTED].

# Timeline



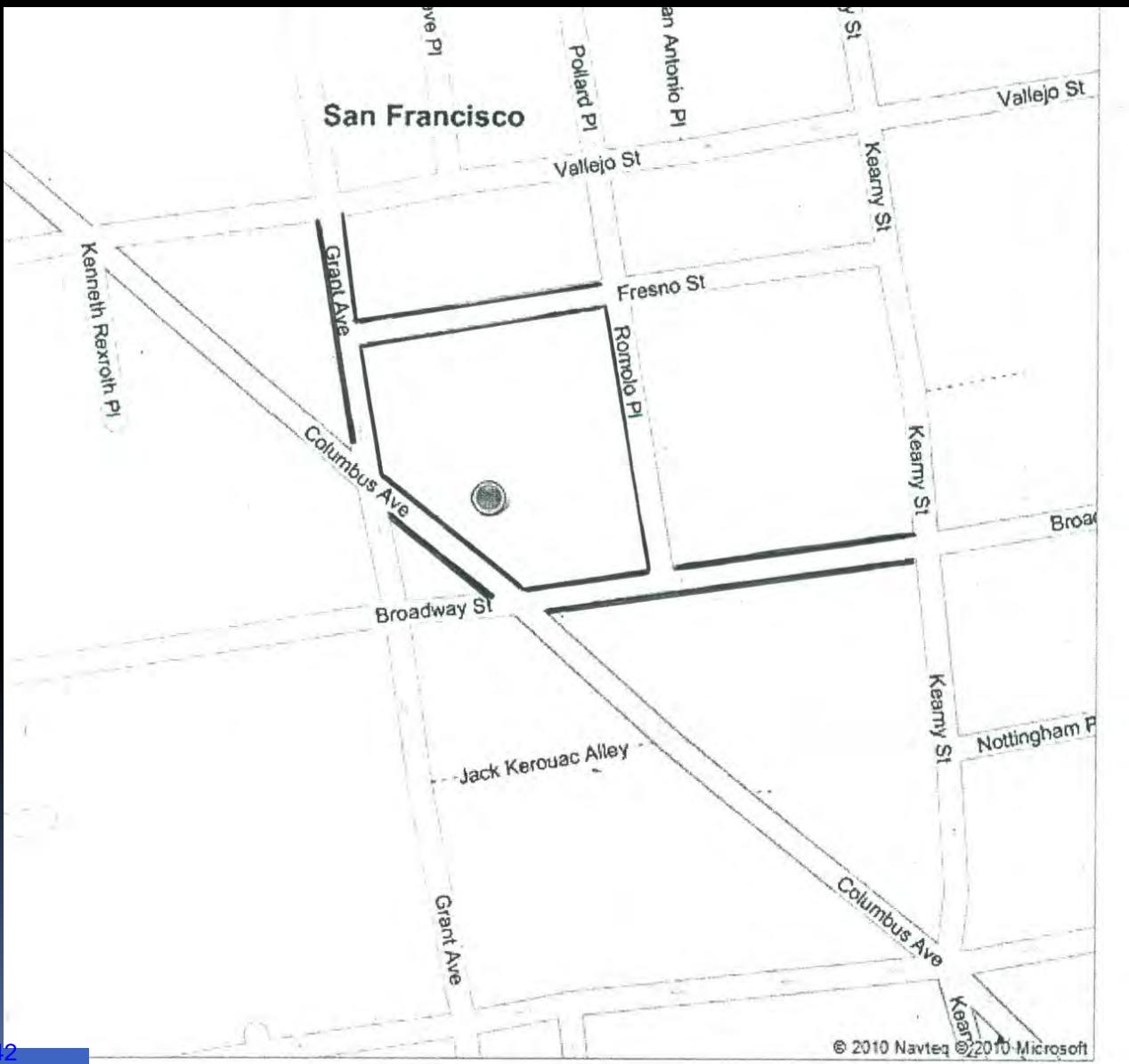
Based on the Inspector's statement; this incident occurred approximately 10 seconds prior to broadcast

- 01:31:28 (5X112) Broadcasts: C/33 217 "Police"
- 01:31:40 (5X112) Broadway, 1 hurt in front Little Darling's, gives suspect description
- 01:32:00 (5X112) Units to Fresno and Broadway
- 01:32:20 (5X112) 3A15D broadcasts two susp descriptions
- 01:33:40 (5X112) Advises there are multiple victs/req 3 408's
- 01:35:00 (5X111) Advises he finds a discarded weapon (Sig Arms .40 caliber handgun)
- 01:35:2 (5X112) Advises this is on Officer-Involved Shooting

# Video footage from Columbus Av



# COLUMBUS AV/GRANT AV



# OFFICERS' ATTIRE

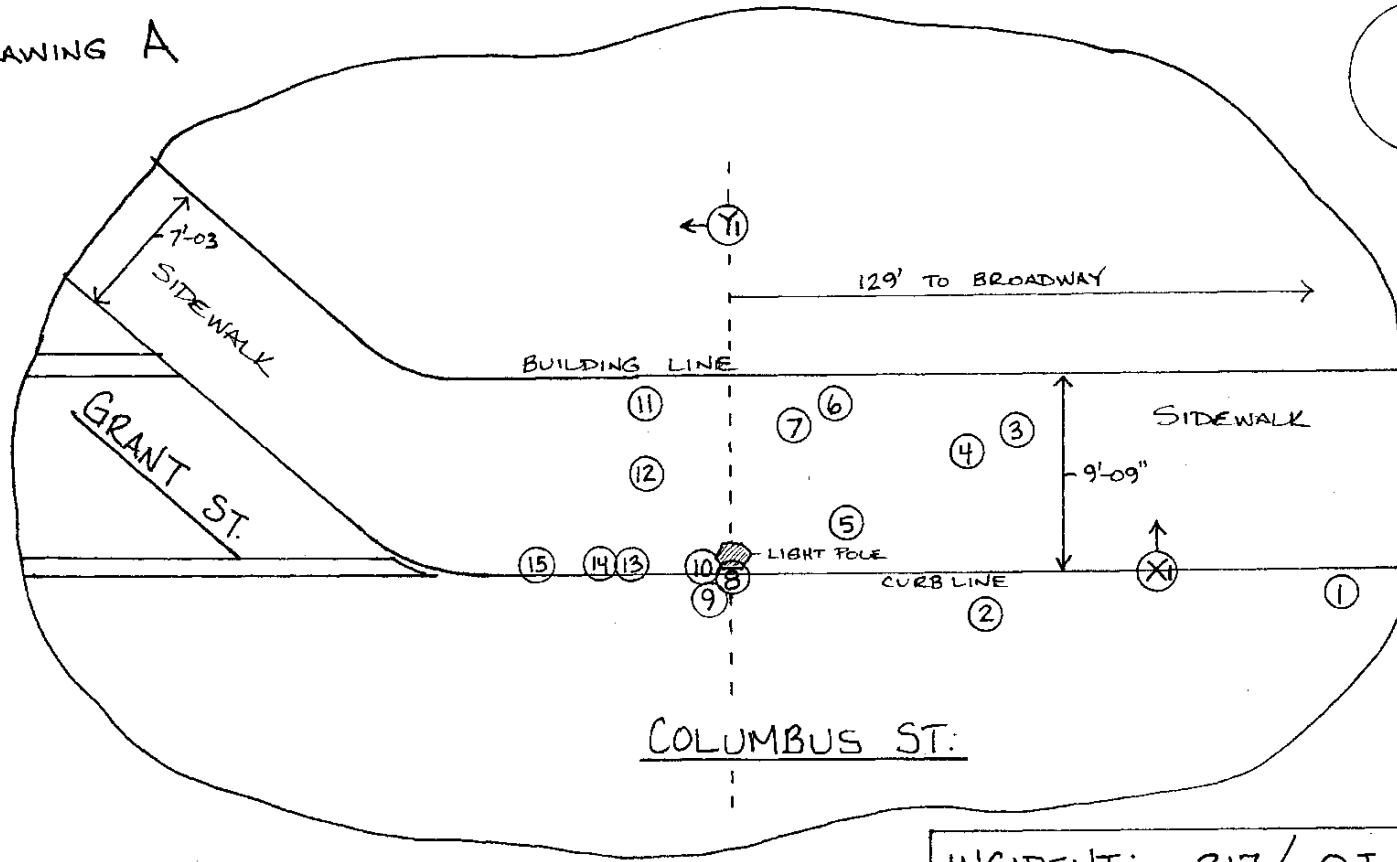


# Crime Scene Investigation

- Crime Scene Investigators responded, processed both crime scenes and submitted a written report. Photo lab took pictures of the area and made a crime scene video.
- CSI recovered Six (6) S&W cartridge casings, (4) four fired copper bullet jackets and (7) bullet fragments, from Crime Scene #1
- CSI recovered One (1) S&W casing cartridge from Crime Scene #2.
- A loaded Sig Arms .40 caliber handgun was recovered approx. 20' from Crime Scene #2

Crime Scene #1

NOT TO SCALE  
DRAWING A



COORDINATES:

X<sub>1</sub> = NORTH CURB LINE OF COLUMBUS ST.

Y<sub>1</sub> = CENTER OF LIGHT POLE HEADING WEST.

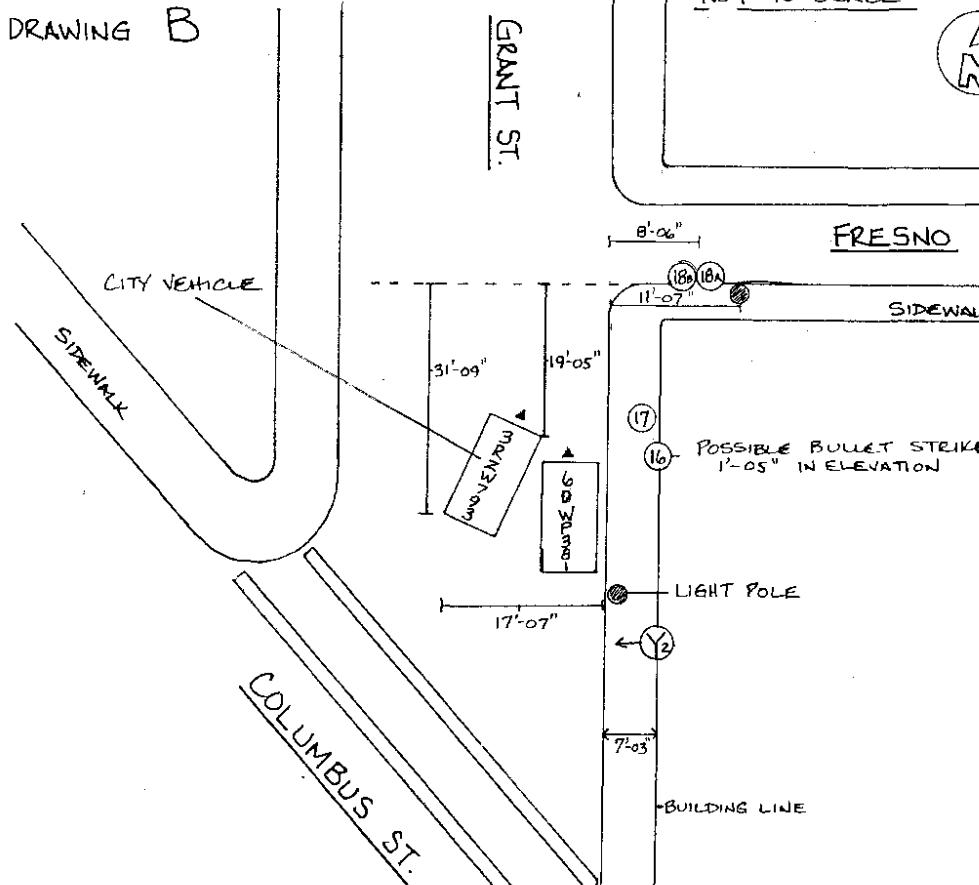
ITEMS 1 THROUGH 15 SHOWN ON THIS DRAWING. ITEMS 16 THROUGH 18 SHOWN ON DRAWING "B".

<u>INCIDENT:</u>	217 / O.I.S.
<u>CASE #:</u>	100-609-942
<u>LOCATION:</u>	[REDACTED] BROADWAY
<u>DATE:</u>	7-3-2010
<u>OFFICERS:</u>	SGT. WALSH # 1581 SGT. WEGGENMANN # 725

DRAWN BY SGT. WEGGENMANN 725

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#2



INCIDENT:	217 / O.I.S.
CASE #:	100-609-942
LOCATION:	[REDACTED] BROADWAY
DATE:	7-3-2010
OFFICERS:	SGT. WALSH #1581 SGT. WEGGENMANN #725

COORDINATES:

X2 = EAST CORNER OF BUILDING @ COLUMBUS/GRANT

Y2 = EAST BUILDING LINE OF GRANT ST.

DRAWN BY: SGT WEGGENMANN #725

12 ac 14

A  
N

# Crime Lab Analysis

- It was determined that the casings and the copper bullet jackets found at Crime Scene #1 were fired from the Sig Arms firearm
- It was determined that the casing from Crime Scene #2 was fired by Inspector Newman's department-issued Sig Sauer P226. It could not be determined if the bullet fragments came from the weapon.

# Columbus Av



SFPD 100609942

00657

# CRIME SCENE #1



SFPD 100609942

00658

# Path traveled by shooter/Insp.



# Video captured from this 20



# NEWMAN'S POSITION OF COVER



# Crime Scene #2



SFPD 100609942

00662

# POINT OF CONTACT



SFPD-100609942

00663

# WEAPON FOUND



SFPD 100609942

00664

# Suspect(s) Information

Charged:

664/187 A PC – Att. Murder

245(B) PC - Assault Semi-auto

Firearm

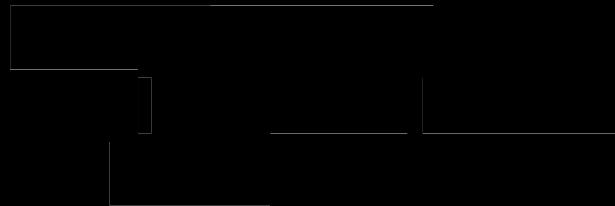
245(B) PC -               “

245 (B) PC -               “

In- custody



# Suspect(s) cont.



Charged:

664/187A PC – Att. Murder

245(B) PC - Assault Semi-auto  
Firearm

245(B) PC - “

245 (B) PC - “

Out on Bail

# Department General Order 5.02

## Discharge of Firearms (Section I.C)

- REASONABLE METHODS OF APPREHENSION. Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2. and only after all other reasonable methods and procedures of apprehension and control have failed. “Other reasonable methods and procedures of apprehension and control” shall be based upon the officer’s capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of the threat to innocent persons, the nature of the crime, and the suspect’s reputation for violence.
- **2. PERMISSIBLE CIRCUMSTANCES.** Officers may discharge a firearm in any of the following circumstances:
  - a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
  - b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
  - c. To make an arrest when:
    - (1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and
    - (2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and
    - (3) After all other reasonable means of apprehension and control have been exhausted.
  - d. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and where other alternatives are impractical.
  - e. To give an alarm or to call for help for an urgent purpose when no other means can be used.

# ANY QUESTIONS ?

# Memorandum

San Francisco Police Department

To: Captain Michael Biel # 677  
Officer-In-Charge of Investigations

JEFFREY GODOWSKI  
Assistant Chief of Police  
  
REVIEWED 11/10/10  
APPROVED YES NO

From: Inspector Gianrico C. Pierucci #1604  
Homicide Detail

Date: Tuesday, July 13, 2010

Subject: Officer Involved Shooting Case Number # 100609942

*[Handwritten signatures and initials over the signature block]*

**Inspector John "Jay" Newman # 1481**  
CIU – Criminal Investigation Unit

**Sergeant Jon Kasper # 68**  
CIU – Criminal Investigation Unit

Date of Investigation: Saturday, July 13, 2010

Time: 01:31 hours

Location: [REDACTED] Columbus Avenue

Weather: Clear, early morning hours

Suspect(s):  
[REDACTED]

**Criminal History:**

[REDACTED]

SFPD-68 (03/89) \*

Term	Percentage
Brain	100%
Mind	~95%
Psychology	~85%
Neuroscience	~75%
Neurology	~65%

### **Criminal History:**

Term	Percentage (%)
Mental Health	95
Psychosis	90
Schizophrenia	85
Bipolar disorder	80
Depression	85
Anxiety	80
Stress	75
Trauma	70

### **Criminal History:**

**CHIMERIC HISTORY.**

Vehicle involved: None

**Police Officer(s) Involved:**

**Inspector John "Jay" Newman # 1481**

Entry into department - [REDACTED]

Assignment: Criminal Investigation Unit (CIU)

Tour of duty: 1900-0500

Injuries: None

Firearm: Department owned firearm, Sig Sauer model #226,  
40 Caliber, serial # [REDACTED]

Inspection of firearm: Inspection of firearm was conducted by Criminalist Mark Proia. (Laboratory number 10-0406)  
The pistol was examined and found to be functional using one of the submitted magazines. The trigger pull was found to be within manufacturer's specifications. The tests were

fired and compared to the NIBIN Database and Laboratory open case file with negative results.

**Sergeant Jon Kasper # 68**

Entry into department - [REDACTED]

Assignment: Criminal Investigation Unit (CIU)

Tour of duty: 1900-0500

Injuries: None

Firearm:

Did not discharge firearm

**Victims:**

Victim 1-

[REDACTED]

Injuries:

[REDACTED]

Victim 2-

[REDACTED]

Injuries:

[REDACTED]

Victim 3-

[REDACTED]

Injuries:

[REDACTED]

**Supervisory Officers at the Scene:**

Commander Kitt Cernshaw # 1038  
Field Operation Bureau

SFPD-68 (03/89)

Captain Anthony Fotinos # 1136  
Night Supervising Captain

Captain Michael Biel # 677  
Captain in Charge of Investigations

Sergeant Sean O'Leary # 1150  
Central Police Station

Sergeant Laura Knight # 10  
Central Police Station

Sergeant Alex Takaoka # 1260  
Central Police Station

**Bureau of Investigations (Homicide Detail):**

Inspector Kevin Jones # 483  
Acting Lieutenant, Homicide Detail

Inspector Cunningham # 650  
Homicide Detail

Inspector Joseph Engler # 239  
Homicide Detail

Inspector Lawrence Mack # 1789  
Homicide Detail

Inspector Gianrico C. Pierucci # 1604  
Homicide Detail – 5H27

**Bureau of Investigations (Criminal Investigations Unit):**

Lieutenant Hector Sainez # 1667  
Officer in charge of Criminal Investigations Unit

**Bureau of Investigations (Management Control Unit):**

Lieutenant Robert Moser # 1434  
Officer in Charge, Management Control Division

Sergeant Martha Juarez # 1800  
Management Control Division – OIS Team

Inspector Kirk Tomioka # 364  
Management Control Division – OIS Team

**Bureau of Investigations (Gang Task Force):**

Sergeant Michael Browne # 1893  
Sergeant Gang Task Force

**Office of the District Attorney:**

Lieutenant Carlos Sanchez # 127  
On call Officer in Charge: Office of the District Attorney, Bureau of Investigations.

Investigator Jimmy Posada # 7044  
On call Investigator, Office of the District Attorney, Bureau of Investigations.

Assistant District Attorney Michael Swart  
Office of the District Attorney

**Support Services (Crime Scenes Investigation Unit - CSI):**

Sergeant Tom Walsh # 1581  
Crime Scene Investigations Unit (CSI)

Sergeant Paul Weggenmann # 1725  
Crime Scene Investigations Unit (CSI)

Officer Anthony Gomes # 911  
Crime Scene Investigations Unit (CSI) – Photo

**Support Services (Bay Area Regional Information Crime Center - BRICC):**

Director Lance Heivilin  
Bay Area Regional Information Crime Center (BRICC)

## San Francisco Police Officers:

### Central Station

Officer Kevin Worrell # 171  
Officer Tina To # 3  
Officer John Shanahan # 1818  
Officer Glenn Barkel # 1763  
Officer Vien Lam # 2003  
Officer Minh Du # 133  
Officer John Murphy # 1717  
Officer Matt Sullivan # 1761  
Officer Rene Nielson # 1882  
Officer Joshua Nazzal # 1096  
Officer Martin Garay # 4036  
Officer James McGrath # 375  
Officer Kenneth Weems # 2042  
Officer Josh Tiumalu # 199  
Officer Christopher Ritter # 2279  
Officer Sam Yuen # 1680

### Southern Station

Officer Scott Hoey-Custock # 4063  
Officer Nicholas Territo # 1743  
Officer Daniel Rosaia # 2376  
Officer Michael Bushnell # 2290  
Officer Donn Peterson # 2289  
Officer Michael Evans # 1602  
Officer Joan Cronin # 2242

### Richmond Station

Officer Tom Jancovich # 927  
Officer Raymond Chu # 1110

### Ingleside Station

Officer Jesse Cruz # 2326  
Officer Rodney Chan # 1399  
Officer Christopher Smith # 2383

### Tenderloin Station

Officer Derrick Byrne # 2281

Officer Daniel O'Brian # 1427  
Officer Sonia Sarcos # 2377  
Officer Lisa Smith # 2385

**San Francisco Fire Department Personnel – SFFD:**

**Battalion 1**

Battalion Chief, Ed Gonzalez  
Incident Support Specialist, Kathryn Cardinale

**Engine 13**

Captain, Ken Yee  
Firefighter (FF), Christian Collier  
Firefighter (FF) / Paramedic (PM), Kenneth Dunn  
Firefighter (FF), Janet Brock

**Truck 2**

Lieutenant, John Rocco  
Firefighter (FF), Brian Kyono  
Firefighter (FF), Andrew Gleason  
Firefighter (FF), Chad Lau  
Firefighter (FF), Peter Lee

**Engine 2**

Lieutenant, David Thompson  
Firefighter (FF), Daniel Liu  
Firefighter (FF), James Cormack  
Firefighter (FF), Michael Menefee

**Rescue Captain 1**

Paramedic (PM), Firefighter (FF) Anthony Dumont

**Medic 65 – (Transported one victim)**

Paramedic (PM), Ross O'Reilly  
Paramedic (PM), Jennifer Ishikawa

**Medic 66 – (Transported one victim)**

Paramedic (PM) Kristofer Hetland  
Paramedic (PM) Jason Cortez

**Medic 87 – (No transports)**

Paramedic (PM), Arthur King, Jr.  
Emergency Medical Technician, Prisco Somontan

**Civilian Witnesses:**

Witness 1 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 2 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 3 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 4 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 5 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 6 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 7 - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 8 - [REDACTED]  
[REDACTED]  
[REDACTED]

Witness 9 - [REDACTED]  
[REDACTED]  
[REDACTED]

Witness 10 - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 11 - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 12 - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness 13 - [REDACTED]  
[REDACTED]  
[REDACTED]

Witness 14 - [REDACTED]  
[REDACTED]  
[REDACTED]

## Synopsis:

On July 3, 2010 at approximately 1:30 am Central Station Officers John Murphy # 1717 and Matt Sullivan #1761, 3A13E, responded to a shooting in front of [REDACTED] Columbus Avenue. Prior to their response they were advised over the police radio that Inspector John Newman # 1481 (5X112) and his partner Sergeant John Kasper # 68 (5X111) of the Criminal Investigation Unit (CIU), had observed the shooting. Inspector Newman and Sergeant Kasper had informed the responding units that they had one suspect, later identified as [REDACTED] [REDACTED] [REDACTED] detained at approximately [REDACTED] Grant Avenue, north of the Gallery 28. [REDACTED] was wearing a black hooded sweatshirt, a bright red baseball cap with a white "C" on the front, white t-shirt, black pants, and black shoes. Inspector Newman and Sergeant Kasper also advised the responding units that there were two other suspects running from Grant Avenue, east on Fresno Street to Romolo Place.

Inspector Newman advised dispatch that this incident was an officer involved shooting.

Sergeant O'Leary upon request of Sergeant Kasper told Officers Kenneth Weems #2042 and Officer Sam Yuen # 1680, to transport [REDACTED] to Central Station.

Inspector Newman told Officers Vien Lam # 2003 and Minh Du # 133 that he had located a handgun on the south side of Fresno Street, just east of Grant Avenue. Inspector Newman told Officers Lam and Du to secure the handgun and set up a crime scene at that location.

Sergeant Laura Knight, 3A113 (in full uniform was assigned to the Broadway corridor) was standing near [REDACTED] Broadway Street, with night Captain Anthony Fotinos. Sergeant Knight heard numerous shots fired in the area of Broadway Street and Columbus Avenue. While responding to Broadway Street and Columbus Avenue Sergeant Knight, heard a 5X unit on the police radio transmit that suspects were running "down Fresno" Street. Sergeant Knight, within seconds of the radio broadcast, observed two [REDACTED] [REDACTED] running south bound on Romolo Street from Fresno. Sergeant Knight exited the marked police vehicle driven by Captain Anthony Fotinos, drew her police issued handgun and ordered both subjects to "get on the ground." The subjects did not respond immediately. They looked at Sergeant Knight and then at one another. One suspect (later identified as [REDACTED]) stated, "I've been shot! I've been shot!" After several commands, [REDACTED] and the other suspect, [REDACTED] [REDACTED] complied. Sergeant Knight handcuffed [REDACTED] She notified dispatch and requested an ambulance to respond to their location.

Medic 65 responded to Sergeant Knight's location. Medic 65 examined [REDACTED] claimed to have been shot in the foot. Sergeant Knight was later advised that [REDACTED] had not sustained any injuries. [REDACTED] shoe had been struck but not [REDACTED] foot. Sergeant Knight left the suspects in the custody of Officers Raymond Chu #1110 and Officer Tom Jancovic # 927, 3G15E pending further investigation.

Officer Chu described [REDACTED] clothing. [REDACTED] was wearing a black beanie, black hoodie, black pants, and red Nike shoes. [REDACTED] had a black cotton glove on [REDACTED] right hand.

Sergeant Knight retained [REDACTED] right sock, right shoe, and black cotton glove. The glove was on [REDACTED] right hand. She gave these items to Officer Murphy to book into evidence at Co. A.

Sergeant Knight told the officers to establish a crime scene, manage the crowd, and direct traffic away from the crime scene.

Sergeant Knight responded to Grant Avenue and Columbus Avenue where she met with Sergeant Kasper. Sergeant Knight told Sergeant Kasper that there were two suspects detained. Sergeant Kasper read and signed the Cold Show Admonition. They walked to Romolo Place to view the detained suspects. Upon observing [REDACTED] Sergeant Kasper stated, "[REDACTED] was with the shooter."

Officer Murphy and Sullivan arrived on scene. They saw victim [REDACTED] [REDACTED] had a gunshot wound to [REDACTED] left leg and was lying on the sidewalk in front of [REDACTED] Columbus Avenue, (Little Darlings Strip Club). They also observed victim [REDACTED] [REDACTED] who had a gunshot wound to [REDACTED] left foot, lying on the sidewalk in front of [REDACTED] Columbus Avenue (Taqueria Zorro).

Officer James McGrath #375 responded to [REDACTED] Columbus Avenue. He saw a person sitting on the sidewalk slumped against the wall of Little Darlings Strip Club. The person was bleeding. The person told Officer McGrath that [REDACTED] had "possibly been shot in the upper left leg or left side." The person did not say much more to Officer McGrath and [REDACTED] looked like [REDACTED] was about to pass out. Officer McGrath saw the person make a cell phone call to someone while waiting for the ambulance to arrive. When the paramedics arrived, Officer McGrath left the person in the care of the paramedics and went to locate witnesses.

Medic 65 arrived on scene and transported [REDACTED] to San Francisco General Hospital. Medic 66 arrived on scene and transported [REDACTED] to San Francisco General Hospital. Officers John Shanahan # 1818 and Glenn Brakel #1763 responded to San Francisco General Hospital with both victims.

At approximately 0131 hours Officers Rodney Chan #1399 and Jesse Cruz # 2326, a 3H Ingleside unit assigned to Central Station Broadway Street corridor, responded to the shooting. While looking for possible suspects, the [REDACTED] Impala Night Club, located on the corner of Broadway Street and Kearny Street, stopped the officers. [REDACTED] pointed to a [REDACTED] later identified as [REDACTED] sitting on the curb, and told the officers that [REDACTED] had been shot. [REDACTED] told Officer Cruz that [REDACTED] was walking south bound on Columbus Avenue. When [REDACTED] reached Broadway Street and Columbus Avenue, [REDACTED] said that [REDACTED] "felt something" on [REDACTED] right foot. Officer Cruz observed a small cut on [REDACTED] right ankle, less than one inch in diameter. There was "only dry blood visible." When Officer Cruz asked [REDACTED] if [REDACTED] had any other information, [REDACTED] told Officer Cruz that [REDACTED] "did not see anything." Engine 13 arrived on scene at 0151 hours and treated and released [REDACTED] Officers Chan and Cruz transported [REDACTED] to Central Police Station pending further investigation.

Officer McGrath found three witnesses: [REDACTED] and [REDACTED] Witness [REDACTED] and witness [REDACTED] wrote brief statements at the scene. Both [REDACTED] and [REDACTED] told Officer McGrath that they were inside the Pizza parlor Pizzelle di North Beach, located at Columbus Avenue, next to "Little Darlings" Strip Club. They heard shots outside on the side walk. They saw the suspect outside shooting a handgun at someone, south "down Columbus" Avenue toward Broadway Street.

Witness [REDACTED] and [REDACTED] stated that the suspect ran up Columbus Street toward Grant Avenue. [REDACTED] continued to shoot during this time.

Witness [REDACTED] gave Officer McGrath the most detailed description of the suspect that was shooting. The suspect was either "a very [REDACTED]" or possibly [REDACTED]. [REDACTED] told Officer McGrath that the suspect was [REDACTED] with possibly [REDACTED] hair. [REDACTED] told McGrath that the suspect was wearing a red baseball cap, a black "hoodie" sweatshirt, and black pants. [REDACTED] told McGrath that the suspect was wearing a red baseball cap. Both witnesses felt they could identify the suspect if they saw [REDACTED] again.

Other witnesses were located by officers on scene. The witnesses were taken to Central Police Station to be interviewed by the responding homicide inspectors.

Acting Lieutenant Kevin Jones # 483, Inspector Joseph Engler #239, Inspector Larry Mack #1789, Inspector Gianrico Pierucci #1604 , and Inspector Dan Cunningham #650 responded to Broadway Street and Columbus Avenue and took over the investigation. After walking through the crime scene and meeting with Sergeant Tom Walsh # 1581, Sergeant Paul Weggenmann # 1725, and Officer Anthony Gomes # 911 Crime Scene Investigations, and discussed what needed to be done at the scene, Inspector Engler and Inspector Pierucci went to Central Police Station to interview the witnesses. Acting Lieutenant Jones, Inspector Mack and Inspector Cunningham remained at the scene. They helped coordinate cold shows and other interviews. Inspectors Mack and Cunningham also went to San Francisco General Hospital to interview the victims.

Inspectors Engler and Pierucci coordinated the interviews to be conducted at the [REDACTED] Unit's interview room.

Sergeant Jon Kasper and Inspector John Newman were interviewed in the [REDACTED] interview room by Inspectors Engler and Pierucci.

### Civilian witness Statements:

**Witness 1 -** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspector Joseph Engler # 239, Inspector Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada on 07-03-10 at 0436 hours. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

The Interview took place on 07-03-10 at 04:36 hours. [REDACTED] stated that [REDACTED] was at [REDACTED] Columbus Avenue, by Little Darlings, and was walking to the liquor store. [REDACTED] then walked back toward Little Darlings, past the shooter. A "big ass crowd," was present. As [REDACTED] passed the crowd of people, [REDACTED] heard a [REDACTED] voice, say, "pull it out then, you can't shoot all of us." According to [REDACTED] the suspect turned around, pulled out a gun, and started shooting.

[REDACTED] saw the flash of the gun. [REDACTED] dropped to the ground after the first shot. [REDACTED] went to the area "where the garbage cans are always located" in front of Little Darlings. [REDACTED] heard at least 6-8 shots. The person that was standing next to [REDACTED] was one of the victims that got shot. When [REDACTED] got up, [REDACTED] saw the [REDACTED] that had been next to [REDACTED], leaning against the wall. That person had also been shot. The suspect was shooting from Columbus Avenue toward Broadway Street "down the hill."

There were two suspects. "The [REDACTED] that was the actual shooter was in a red sweatshirt, with a black beanie", [REDACTED] stated, "I'm pretty sure of that." The shooter was "██████████" [REDACTED] was a [REDACTED] The [REDACTED] was between [REDACTED] years old. [REDACTED] is pretty sure the shooter was [REDACTED] The shooter was wearing a red sweatshirt with the hood up, and a black beanie underneath the hood. [REDACTED] thought that the red sweatshirt had a design on it. [REDACTED] said that [REDACTED] did not look at the other person with the shooter and does not remember the second suspect's description. [REDACTED] believed the second person was wearing black. [REDACTED] believed that the second suspect's height was the same as the shooter. [REDACTED] said that [REDACTED] thought they were together because when [REDACTED] walked past them, they looked like they were together. When the suspect turned around to pull out the gun, the other suspect was standing right next to the shooter.

[REDACTED] stated that when [REDACTED] walked by the crowd and the two suspects, it appeared they all were involved in a verbal dispute. The group of people were closer to the building than to the street.

[REDACTED] stated that the people in the Little Darlings Strip Club were saying that the shooter was not aiming at the people. [REDACTED] was shooting at the ground. [REDACTED] however, does not recall seeing where the gun was pointing.

One of the people in the crowd was a [REDACTED], with a [REDACTED]. [REDACTED] saw [REDACTED] a half hour before the shooting in front of Little Darlings. [REDACTED] did not know if the [REDACTED] got shot, but the person that had been next to [REDACTED] while [REDACTED] was walking back to Little Darlings was shot.

An undercover officer pulled up after the first two shots were fired by the suspect. [REDACTED] had gone down to the ground and was trying to hide [REDACTED] head. [REDACTED] saw the unmarked car stop right in front of [REDACTED] at an angle. The passenger door opened and a plainclothes officer jumped out. [REDACTED] had a gun in [REDACTED] hand and ran toward the suspect who was shooting. [REDACTED] said that [REDACTED] heard the police officer say "freeze" or something like that. [REDACTED] knew it was a plain clothes officer from the officer's waist. [REDACTED] felt safe. [REDACTED] told us that [REDACTED] thought the officer did say "police." [REDACTED] thought that the plain clothes officer said "freeze police," but [REDACTED] was not sure. [REDACTED] believed that the plain clothes officer fired a shot at the two suspects. When the plain clothes officer jumped out of the car and ran toward the suspects, [REDACTED] heard a shot. [REDACTED] said that it was either the suspect who waited and fired a last shot or the police officer fired the one shot. [REDACTED] could not describe the officer.

[REDACTED] could not describe the person next to [REDACTED] that had gotten shot either. [REDACTED] got up after the shooting and ran inside Little Darlings. [REDACTED] ran to the bathroom and looked in the mirror. [REDACTED] thought [REDACTED] was shot because [REDACTED] had felt something graze [REDACTED] while the suspect was shooting.

The interview ended, 07-03-10 at 05:14 hours.

Witness 2 - [REDACTED]

[REDACTED]

[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

The interview took place on 07-03-10 at 0518 hours. [REDACTED] told Inspector Engler, Pierucci, and DAI Posada that on the evening of the incident [REDACTED] was the [REDACTED] at Little Darlings, located [REDACTED] Columbus Avenue. [REDACTED] and [REDACTED], [REDACTED], were watching a group of [REDACTED]. [REDACTED] stated that [REDACTED] knows that the group were [REDACTED] because of where [REDACTED]. [REDACTED] is familiar with how they carry themselves and how they act. [REDACTED] also told us wore red colored clothes. [REDACTED] had seen several of them before in the Broadway area. There were two different groups that were arguing. They were calling each other names and using a lot of profanity. According to [REDACTED] there were gang signs being used. One group was from [REDACTED] and the other from the [REDACTED]. This eventually stopped. They started laughing and walked away.

Another group of suspected gang members showed up. They started fighting with the group. One of the [REDACTED] got pushed into the Little Darlings sign. [REDACTED] believes this is seen on the Little Darlings surveillance camera. The person who hit the sign walked away. [REDACTED] told us this person said, "like I'm gonna pull it, I'm gonna pull it." This same person reached for [REDACTED] belt, lifted up [REDACTED] shirt and removed a gun. [REDACTED] saw the gun. The gun came from under the suspect's sweatshirt. At the same time that happened, the other [REDACTED] pushed [REDACTED] back out of the way. Shots were then fired. [REDACTED] did not see who fired the gun or who was the intended target.

[REDACTED] was taken to Romolo Place after being advised of the Cold Show Admonition. [REDACTED] identified one of the people that were being detained. The suspect that was wearing the black sweatshirt is the person that was talking trash. [REDACTED] pulled the gun out from [REDACTED] waistband area. The [REDACTED] on Romolo Place with [REDACTED] hair slicked back with the black sweatshirt, was with the [REDACTED] that had the gun. [REDACTED] does not know who pulled the trigger. [REDACTED] did not know if the [REDACTED] in the black sweatshirt gave the gun to someone else. [REDACTED] could not remember the shorter [REDACTED] in white, who was also in Romolo Place. [REDACTED] did not remember the short [REDACTED] at all. [REDACTED] did remember there was a taller [REDACTED] with the [REDACTED] with the black sweatshirt.

[REDACTED] remembers that seconds passed from the time [REDACTED] was pushed away into the doorway until [REDACTED] heard the shots. [REDACTED] kept seeing the bullets hit the tree stump. [REDACTED] heard at least 8 or 9 shots. [REDACTED] saw one [REDACTED] by the entrance of the club who had been shot. The victim was one of the [REDACTED] that had argued with the other group earlier.

[REDACTED] clarified that the 3-4 [REDACTED] were being chased. They were backing up trying to defend themselves from getting jumped. These [REDACTED] backing up were the group that did the shooting. The other 4 [REDACTED] were pursuing them. One hit the sign by

the Little Darlings Strip Club. This same [REDACTED] could have been the same person that pulled out the gun. [REDACTED] told us it happened so fast.

The interview ended on 07-03-10 at 0537 hours.

**Witness 3 -** [REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

The interview took place on 07-03-10 at 0545 hours.

[REDACTED] said [REDACTED] [REDACTED] where the shooting took place. [REDACTED] was inside the restaurant when the incident occurred. [REDACTED] heard an argument and someone saying "I'm from [REDACTED], somebody pissed me off at Broadway and Columbus." [REDACTED] heard the group's conversation. The group was speaking [REDACTED]. The [REDACTED] was telling everyone that someone "pissed" [REDACTED] off when [REDACTED] was at Broadway and Columbus. The [REDACTED] who was speaking [REDACTED] said that somebody was "trying to beat" [REDACTED]. The [REDACTED] was talking to a group of 8-10 [REDACTED] that were between the Europa Hotel and Little Darlings. [REDACTED] described the [REDACTED] as having [REDACTED] and wearing a white t-shirt, and blue jeans, with flat top hair "short hair". [REDACTED] clarified that this person was the same one who said that [REDACTED] was "pissed off" because of what had occurred on Broadway and Columbus.

The people who [REDACTED] saw talking to the [REDACTED] [REDACTED] looked as though they were [REDACTED] friends. [REDACTED] then saw a [REDACTED] with a red jacket with a hood. This was the same [REDACTED] that was later shot and lying down in front of the Taqueria Zorro next to the garbage can. This same person was seen by [REDACTED] a few times during the night. [REDACTED] recalls telling this [REDACTED] with a red jacket and hood to move away from [REDACTED] front door. [REDACTED] knows the people who frequent this area. The night this incident occurred, however, [REDACTED] did not know the group or the [REDACTED]

[REDACTED] told me that when [REDACTED] heard the arguing, [REDACTED] called [REDACTED] [REDACTED] who told [REDACTED] to shut the door. [REDACTED] shut the front door. [REDACTED] then heard the shots. [REDACTED] put all the customers in the back of the restaurant for their safety. The police arrived within 20 seconds. [REDACTED] did not see plain clothes officers until much later, when [REDACTED] went outside.

This interview ended on 07-03-10 at 0558 hours.

Witness 4 -

[REDACTED]

[REDACTED]

[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada. The interview was conducted in the [REDACTED] unit's interview room. The interview was audio and video recorded.

The interview took place on 07-03-10 at 0708 hours. [REDACTED] told us that [REDACTED] was with [REDACTED] and their friend, [REDACTED]. They wanted to get pizza. [REDACTED] and [REDACTED] went to the pizza place, (Pizzelle di North Beach, [REDACTED] Columbus Avenue). [REDACTED] went to Nick's Liquor's located at [REDACTED] Columbus Avenue. [REDACTED] and [REDACTED] bought their pizza slices. They were about to walk out of the restaurant when [REDACTED] returned and met them at the restaurant. [REDACTED] told them to sit and eat the pizza in the restaurant. As they walked to the rear of the restaurant, [REDACTED] heard two gunshots. [REDACTED] looked out the window and "saw a [REDACTED] pointing a gun. [REDACTED] saw [REDACTED] shoot three more times. [REDACTED] got on the ground. [REDACTED] then heard two to three more shots.

[REDACTED] remembers that when [REDACTED] was walking to the pizza restaurant, [REDACTED] saw a group of people in front of the Taqueria Zorro Restaurant. [REDACTED] did not notice any fighting. All the people in the group were wearing the same kind of clothes. They were all wearing black and red clothes. [REDACTED] noticed them because they were color coordinated.

[REDACTED] told us that [REDACTED] had a clear view of the shooter from where [REDACTED] was sitting. The front door and the windows of the restaurant were open. The shooter was "literally standing in the center of the doorway," and that is when [REDACTED] saw [REDACTED]. [REDACTED] did not see who [REDACTED] was shooting at, but did see the shooter firing the gun. [REDACTED] did not think that the shooter was moving [REDACTED] arm as if [REDACTED] was tracking an object. [REDACTED] was pointing in a downward direction. [REDACTED] did not hear the shooter yelling or talking to anyone.

[REDACTED] told us that [REDACTED] saw the gun in the shooters hand. [REDACTED] described it to us. [REDACTED] said it was black and believes it was a semi-automatic.

[REDACTED] heard the first two shots. [REDACTED] looked up and the [REDACTED] was standing outside framed by the doorway of the restaurant. [REDACTED] did not see where the [REDACTED] was when [REDACTED] heard the first two shots. [REDACTED] also stated that after [REDACTED] went down to the ground, [REDACTED] did not see the shooter.

[REDACTED] was surprised that people were rushing up to the front of the restaurant after the shooting stopped. [REDACTED] heard [REDACTED] yell "close the door". [REDACTED] and [REDACTED] stayed in the rear of the restaurant. The police were outside.

[REDACTED] did not see a plain clothes officer until after [REDACTED] had been interviewed the first time.

[REDACTED] was given a cold show admonishment. [REDACTED] was driven to view two individuals, on Romolo Place. [REDACTED] did not identify either subject as the shooter. [REDACTED] was certain that one in the white jacket was not the shooter.

The interview ended, 07-03-10 at 0728 hours.

**Witness 5 -** [REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

The interview took place on 07-03-10 at 0605 hours. [REDACTED] told Inspector Engler, Pierucci, and DAI Posada that on today's date [REDACTED] was inside the Pizzaria which is located at the corner of Columbus.

[REDACTED] said that [REDACTED] was picking up a slice of pizza. [REDACTED] heard about 4-6 pops. [REDACTED] was not sure if the pops were fireworks. This occurred out in front of the pizzeria. [REDACTED] went out to look.

A plain clothes police officer got out of the vehicle. He said something, announced something, and fired a round or two. The police officer was wearing black pants and a tan or light colored shirt. He was an older man with pepper grey hair. He had a badge hanging around his neck. [REDACTED] knew the man was a police officer right away. The officer gave a command, along the lines of "Stop," or "get down." [REDACTED] was approximately 10-15 yards from the police officer when [REDACTED] heard and saw the officer. [REDACTED] was on the corner of Broadway. [REDACTED] did not pay attention to who the officer was directing the commands to. [REDACTED] was focused on the vehicle and the police officer. There was another plain clothes civilian standing on the corner, possibly an [REDACTED]. The police officer was standing near the car. He fired a round. The same [REDACTED] that was standing near the blues bar was the person who the plain clothes officer took to the ground.

To [REDACTED] it seemed that the person the officer took to the ground was not the object of the officer's attention. [REDACTED] wasn't paying attention to the [REDACTED] at first. The person did not go down when ordered to do so by the officer. The officer took [REDACTED] down to the ground. The [REDACTED] that was placed to the ground had put [REDACTED] hands up. [REDACTED] did not see a gun in the [REDACTED] hand. [REDACTED] only saw a gun in the police officers hand. The only gun [REDACTED] saw was the police officer's gun. This was the same plain clothes officer, with the badge in front of his neck.

The interview ended on 07-03-10 at 0621.

**Witness 6 -** [REDACTED]

[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

The interview took place on 07-03-10 at 0640 hours. [REDACTED] was in the pizza place getting a slice of pizza. [REDACTED] heard someone say "fuck those bitch ass [REDACTED]." [REDACTED] turned at that point and saw two [REDACTED] walking backwards, facing towards Broadway Street. [REDACTED] saw the heavier set [REDACTED] pull out a black semi-automatic pistol out of [REDACTED] waistband. [REDACTED] may have had it lower down there. [REDACTED] fired off 5-6 shots. [REDACTED] believed the [REDACTED] used [REDACTED] right hand. The two [REDACTED] turned around facing north and ran around the corner on Grant Avenue. A police officer in plain clothes identified himself as a police officer and chased the two around the corner. The police officer was wearing a badge possibly on a necklace. He yelled "Stop Police." [REDACTED] stated that [REDACTED] then heard one or two more shots from around the corner. [REDACTED] did not see who fired the rounds. [REDACTED] then went out and around the corner. [REDACTED] saw that the police officer had detained one of the two [REDACTED].

[REDACTED] described the [REDACTED] as [REDACTED], black hooded sweatshirt, and a white t-shirt underneath. [REDACTED] saw the white t-shirt when the [REDACTED] lifted the black sweatshirt. [REDACTED] did not know if it was in [REDACTED] waistband or in that area. The gun was black and a semi-automatic. [REDACTED] is a gun owner and goes to range. The gun looked like a Glock. [REDACTED] saw this [REDACTED] shoot the gun 5-6 times. [REDACTED] never saw this [REDACTED] give the gun to anyone else or drop the gun. [REDACTED] was standing right inside the window approximately 5-7 feet from the [REDACTED] [REDACTED] told us that the [REDACTED] was shooting southward.

[REDACTED] said [REDACTED] could possibly identify this [REDACTED]. A cold show admonishment was read to [REDACTED] and [REDACTED] was taken to Romolo Place and viewed two people. [REDACTED] could not positively identify either suspect.

The interview ended on 07-03-10 at 0657 hours.

**Witness 7 -** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada on 07-03-10 at 0737 hours. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

[REDACTED] and [REDACTED] were in a bar on Broadway. They decided that they would go for a slice of pizza at a restaurant [REDACTED] recommended. When [REDACTED] and [REDACTED] walked north across Broadway Street and continued north on Columbus Avenue, they passed a group of people (5-6 individuals) in front of Little Darlings strip club. [REDACTED] thought that some of the individuals were a little drunk, but other than that all seemed "normal." [REDACTED] and [REDACTED] went into the pizza parlor (Pizzelle di North Beach). [REDACTED] went to buy gum at a store further north on Columbus.

[REDACTED] and [REDACTED] walked into the pizza place and ordered. Two minutes later, they were given their order and were about to walk out when [REDACTED] met them at the door. [REDACTED] told them to eat the pizza inside. They walked to the rear of the restaurant. [REDACTED] had just placed the pizza on the table and [REDACTED] was about to sit next to [REDACTED] when [REDACTED] heard shooting.

[REDACTED] saw the shooter come from the group that had been in front of Little Darlings. The unknown [REDACTED] had a gun. [REDACTED] was shooting southward toward Broadway Street. [REDACTED] did not see the shooter remove the gun. [REDACTED] saw the unknown [REDACTED] shooting a big gun. [REDACTED] pointed to [REDACTED] right side, saying that it was possible that the gun came from the unknown [REDACTED] right side. [REDACTED] said that the unknown [REDACTED] was shooting other [REDACTED]. The unknown [REDACTED] was not in front of the window, but actually framed in the doorway of the pizza restaurant. [REDACTED] stated that [REDACTED] saw "[REDACTED] shooting 5-6 times then (the shooter) ran away."

[REDACTED] was crying and shaking under the table. [REDACTED] said something about going to see what had occurred. [REDACTED] remembers two [REDACTED] couples and a few single [REDACTED] in the restaurant. [REDACTED] remembers that the "[REDACTED]" went to close the door. The other people were standing. [REDACTED] kept pulling [REDACTED] shirt telling [REDACTED], "don't go." [REDACTED] told [REDACTED] not to go, to stay there where they were and was shouting "close the fucking door."

[REDACTED] recalled seeing the suspect's left side. The suspect was shooting in a southerly direction toward the Little Darlings strip club. The suspect was holding the gun in [REDACTED] right hand. [REDACTED] was "sure" of that and recalled "the fire" coming out of the gun. [REDACTED] did not hear anyone saying anything before or during the shooting. The suspect passed the door and north window running in a northerly direction.

[REDACTED] described the shooter as a "not a [REDACTED] as in like a [REDACTED]" complexion but clean looking. The suspect had a "[REDACTED]," later described as [REDACTED]. The suspect was not a tall [REDACTED] was shorter than [REDACTED]. The suspect was [REDACTED] tall and had [REDACTED] [REDACTED] could not recall suspect's clothing. [REDACTED] was mainly focused on the suspect's gun. The clothing was loose and [REDACTED] did remember that the suspect's pants were black. The suspect was also described as [REDACTED]. According to [REDACTED] the [REDACTED] looked like a "strong [REDACTED] not tiny." The suspect was fast. [REDACTED] did not see an unmarked car. [REDACTED] saw a black and white approximately one to two minutes later. [REDACTED] noticed the police cars were driving fast to catch the suspect. The suspect kept the gun with [REDACTED] when [REDACTED] ran north on Columbus Avenue. [REDACTED] said that the suspect was in a group of 4-5 individuals in front of the Little Darlings strip club. [REDACTED] was standing in the middle of the others when [REDACTED] first saw [REDACTED] as [REDACTED] walked north on Columbus to the pizza restaurant.

[REDACTED] remembers that one of the members of the group the shooter was standing with was wearing all black, and a black faded hat. [REDACTED] remembers that one of the victims that had been shot was wearing a white hat and big jeans.

The interview ended on 07-03-10 at 0806 hours.

**Witness 8 -** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] [REDACTED] was transported to the Hall of Justice to be interviewed by Inspector Joseph Engler # 239, Inspector Gianrico C. Pierucci #1604, and District Attorney Investigator Jimmy Posada (DAI) on 07-03-10. [REDACTED] could not stay to be interviewed as [REDACTED] had a work appointment and demanded to be interviewed at another date and time. This interview ended on 07-03-10 at 0806 hours

[REDACTED] was interviewed by Inspector Pierucci at Central Police Station on 07-28-10 at 1703 hours. [REDACTED] told Pierucci that on 07-03-10 [REDACTED] was with [REDACTED] friends [REDACTED] and [REDACTED] had walked to the corner store located at Grant Avenue and Columbus Avenue. [REDACTED] walked back to Pizzelle di North Beach pizza parlor and told [REDACTED] and [REDACTED] to eat the pizza in the parlor. They were walking back to the rear of the restaurant when [REDACTED] heard shots. [REDACTED] turned around and saw a suspect, " [REDACTED] with a red baseball cap. [REDACTED] first believed the suspect to be [REDACTED]. The suspect was also wearing a dark jacket. [REDACTED] did not see anyone with [REDACTED]. [REDACTED] told Pierucci that [REDACTED] was focused on the flashes from the gun. [REDACTED] was given a cold show admonishment and driven to Romolo Alley to view two suspects. [REDACTED] could not identify the two detained subjects. This interview ended on 07-28-10 at 1725 hours.

**Witness 09** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] was interviewed on 07-03-10 at 0425 hours by Inspector Lawrence Mack and Inspector Dan Cunningham #650 at [REDACTED] Columbus Avenue. Present with the inspectors [REDACTED] [REDACTED]

[REDACTED] told Inspectors Mack and Cunningham that [REDACTED] was inside [REDACTED] Columbus [REDACTED]. [REDACTED] saw people outside in front of the business. These individuals always bother people. A blue Ford Mustang drove by and slowed down. The driver and the passenger of the blue Mustang exchanged words with the people hanging out in

front of the business. The individuals hanging out began to chase the car on foot. Minutes later they returned to hang out once again in front of the business.

10 minutes later the two [REDACTED] that were in the Mustang came back to the place where the 10 individuals were hanging out. They started shooting them.

[REDACTED] does not know the name of the 10 [REDACTED] standing around outside who were there between 0100 to 0130 hours.

[REDACTED] described the two that had gotten shot. The first [REDACTED] was [REDACTED] with black hat, baggy pants, black jacket. The other [REDACTED] was also [REDACTED] and wearing a white t-shirt. One was [REDACTED] the other.

[REDACTED] recognized the group. Every weekend they come to the [REDACTED] to hang out and eat. Every weekend they have problems. They are not [REDACTED]. These individuals follow [REDACTED] that go into the [REDACTED] and bother people. They also bother the [REDACTED] and [REDACTED] a lot. This same group pushed a man up against a wall and beat him for no reason. Sometimes all 10 of them hit one guy. This has been going on since [REDACTED] [REDACTED] called [REDACTED] friend at the [REDACTED] [REDACTED] and told [REDACTED] to please call the police. The police arrived, drove by and walked by the business at approximately 0108 hours.

The group arrived at approximately 0045-0050 and just hung out. These individuals drink from plastic cups and stay outside. They were drinking today. Not the [REDACTED] who got shot, but the others were drinking alcohol from paper cups.

There was a fight that night. They had a strong argument with some people right before the incident. A police car passed by and they all pretended to be friends. [REDACTED] could not describe who was arguing. [REDACTED] did not know them.

[REDACTED] then described who was with the [REDACTED] that had been shot. One [REDACTED] [REDACTED] had a [REDACTED]. The [REDACTED] [REDACTED] This [REDACTED] was in [REDACTED], and approx. [REDACTED] tall. [REDACTED] was [REDACTED] was large. [REDACTED] had a [REDACTED]. [REDACTED] was wearing black gloves and a white t-shirt. [REDACTED] was later watching the investigation from across the street. Another [REDACTED] was [REDACTED] and wearing a black jacket with a red top.

[REDACTED] stated that the individuals hanging around in front of [REDACTED] all know each other. 10-15 individuals are always there hanging out causing trouble bothering [REDACTED] [REDACTED] calls the police every Friday night. This has been going on for two years. Every Friday these individuals come and cause trouble. [REDACTED] did not see these individuals with any weapons.

The blue Ford Mustang black top convertible was a 90's model. It had the top up when the driver and passenger exchanged words with the group. When this happened, the [REDACTED] [REDACTED], saw it as [REDACTED] was standing by [REDACTED] [REDACTED]. There were two people in the blue Ford Mustang. The passenger was a [REDACTED] [REDACTED] with a black baseball cap worn frontward. [REDACTED] was [REDACTED] years old. [REDACTED] could not see the driver. The group and the two [REDACTED] in the vehicle exchanged vulgar words.

The darker [REDACTED] with a big [REDACTED] that was shot, was doing most of the talking. [REDACTED] ran after the car. The shorter and skinnier one with black hair is the one who used profanity. All 10 individuals were yelling at the car and the two in the car were yelling back.

The car went north on Grant Avenue and then west (left) on Vallejo Street. The 10 [REDACTED] went back to the same spot to hang out at approximately 0110 to 0115 hours. A car (a beige Nissan Altima, newer model) then drove up Columbus from Broadway with 4 [REDACTED] in it. It had loud music playing. The group danced around in the street and went to talk to the [REDACTED]. [REDACTED] did not know the [REDACTED] 10 minutes prior to the shooting approximately 10 of the group went back in front of [REDACTED]. Then some of the group left the area and headed toward Broadway Street. 4-5 of the group remained.

At this point [REDACTED] remembered walking back to the [REDACTED]. From there [REDACTED] had a good view of the front of [REDACTED]. 5 minutes passed and the shooting started.

[REDACTED] heard approximately 15 shots. [REDACTED] walked to the [REDACTED] and saw the suspect still shooting. At first [REDACTED] thought that someone threw firecrackers into [REDACTED]. While [REDACTED] was at the [REDACTED] [REDACTED] saw the suspect running backwards as [REDACTED] was shooting. [REDACTED] described the suspect as a [REDACTED] years of age, [REDACTED], and wearing a black or dark long jacket. The [REDACTED] had a baseball cap on [REDACTED] head, dark pants, and unknown style of shoes.

[REDACTED] was not sure which hand the suspect was holding the gun. However, [REDACTED] believes it could have been the right hand. The suspect extended [REDACTED] arm straight forward. [REDACTED] does not know if it was a revolver or a semi-automatic. [REDACTED] could not hear anyone yelling as the shots were loud. After [REDACTED] saw the suspects, [REDACTED] [REDACTED] The suspect was by the window next to [REDACTED]. The suspect was going up the hill toward Grant Avenue. [REDACTED] had never seen the suspect before.

After [REDACTED] shut the door, [REDACTED] saw an "undercover police officer" following the shooter. The officer was telling the suspect to "stop, stop, stop." [REDACTED] thinks that the plainclothes offer shot at the suspect. [REDACTED] knows the "undercover" by the car. The car was driving from Broadway Street, up Columbus Avenue.

[REDACTED] noticed the police car while [REDACTED] was [REDACTED]. While the suspect was still shooting, [REDACTED] saw the police arrive. He was bald, [REDACTED], and wearing a white shirt. [REDACTED] saw him on the radio talking as he was yelling stop. [REDACTED] believes that the officer shot at the suspect. [REDACTED] heard the officer after [REDACTED] locked the door because [REDACTED] window was open. The officer was running up the street screaming. [REDACTED] did not understand all the words. [REDACTED] understood the word stop. [REDACTED] did not see the gun, but [REDACTED] did hear 3-4 shots after the offier passed the [REDACTED]. It was less than a minute later.

Then the police, fire department, etc... arrived. [REDACTED] saw one victim, the [REDACTED] [REDACTED] that was there all night. [REDACTED] was shot in the left leg. The other [REDACTED] was lying on the ground. The [REDACTED] one was on the phone.

[REDACTED] believes that the blue Ford Mustang was involved. The [REDACTED] in the passenger seat of the Mustang looked similar to the suspect. [REDACTED] stated that the [REDACTED] in the Mustang were both wearing black or dark colors with baseball caps. The 10 individuals, who were in the group on the sidewalk, wore white and black, red, black and white, and mainly red.

The interview ended on 07-03-10 at 0510 hours.

Witness 10 [REDACTED]

Witness [REDACTED] was interviewed on 07-07-10 at 1737 hours by Inspector Engler and Inspector Pierucci at the [REDACTED] interview room. The Interview was audio and video recorded.

[REDACTED] told Inspector Joseph Engler #239 and Gianrico C. Pierucci #1604 [REDACTED] had just exited the Saloon at [REDACTED] Grant Avenue. [REDACTED] went to have pizza at the pizza place by Little Darlings.

[REDACTED] was on Grant Avenue and was by the liquor store when [REDACTED] heard the shots. Two different sets of shots that sounded louder than 9 mm rounds. [REDACTED] tried to dive back into The Saloon. [REDACTED] was shown a Google map. [REDACTED] thought it was deceiving and not to scale. [REDACTED] described that [REDACTED] was between some cars to get away from the shots. [REDACTED] said that a [REDACTED] and [REDACTED] were running and screaming up the street. [REDACTED] pushed the people down and hid behind the car wheels.

[REDACTED] only saw the muzzle blast and did not see who was shooting. [REDACTED] did not see anyone running north on Grant Avenue. [REDACTED] heard echoing and it sounded like the shots came from a car because of the echoing. [REDACTED] was looking toward Little Darlings.

[REDACTED] saw the " [REDACTED] , who is [REDACTED] with [REDACTED] [REDACTED] saw the muzzle fire in front of the Little Darlings. [REDACTED] did not remember if the people ran up Grant or had come out of the Saloon Bar.

The interview ended on 07-03-10 at 1752 hours.

Witness 11 [REDACTED]

Witness [REDACTED] was interviewed by Inspectors Lawrence Mack # 1789 and Dan Cunningham # 650. The interview was conducted on the 300 block of Columbus Avenue. The interview was audio recorded.

The interview took place on 07-03-10 at 0350 hours. [REDACTED] told inspector Mack and Inspector Cunningham that [REDACTED] was sleeping in [REDACTED] friend's car when [REDACTED] heard loud noises that woke [REDACTED] up. The car was parked in front of the night club. [REDACTED] had been drinking alcohol earlier and that is why [REDACTED] was so tired. Only [REDACTED] and [REDACTED] were in the car. They had arrived between 0100-0200 hours and parked in front of the night club. They had come to pick up one of the ladies that works at a night club. [REDACTED] name is [REDACTED]. [REDACTED] did not see anything.

The interview ended on 07-03-10 at 0355 hours.

**Witness 12**

[REDACTED]

[REDACTED] was interviewed by Inspector Lawrence Mack and Inspector Daniel Cunningham on 07-03-10 at 0400 hours. [REDACTED] was sleeping in the back seat of the car. [REDACTED] had arrived in North Beach between 0100-0200 hours. While [REDACTED] was asleep, [REDACTED] heard loud bangs, "Gunshots," but [REDACTED] did not see anything. [REDACTED] only saw victims on the ground and paramedics helping them.

**Witness 13**

[REDACTED]

[REDACTED] was interviewed by Inspector Gianrico C. Pierucci and Inspector Lawrence Mack on 07-08-10 @ 2032 hours. [REDACTED] is an [REDACTED]

[REDACTED] was outside smoking as people walked past. People ran as one "[REDACTED]" and another hit each other. [REDACTED] saw the "[REDACTED]" pull out something in [REDACTED] hand and "started shooting, pop, pop, pop." [REDACTED] saw everybody running and victims falling. [REDACTED] was told by management to go inside and not to leave.

[REDACTED] told us that [REDACTED] could not describe any of the group that was outside. [REDACTED] did not see their faces. [REDACTED] does not think [REDACTED] could pick anyone out on photos.

[REDACTED] recalls seeing a [REDACTED] walking backwards. [REDACTED] saw someone punch the [REDACTED] heard someone say, "whats going on?" The [REDACTED] walking backwards was not the [REDACTED] that pulled out the gun. The [REDACTED] walking backwards met up with someone. The other [REDACTED] pulled out something. [REDACTED] started to shoot. Everyone was talking. [REDACTED] could not hear what was going on. [REDACTED] recalls hearing someone say "what's up fool?"

[REDACTED] stated that the [REDACTED] walking backward met up with the other individual. They said something to each other. The other person, not the [REDACTED] walking backwards, was the person who pulled out the gun. The person who met the individual walking backwards had what [REDACTED]. This individual "pulled out something." [REDACTED] was certain about the "[REDACTED]." [REDACTED]

[REDACTED] became nervous about the interview. [REDACTED] was nervous that [REDACTED] would be seen talking to the police. [REDACTED] did not remember how the suspect pulled out the gun. [REDACTED] saw the gun. It was black. [REDACTED] does not know what make or model.

[REDACTED] did not remember what clothing the individual was wearing that met up with the [REDACTED] backing up. [REDACTED] believes that [REDACTED] had a cap on [REDACTED] head and that it might

have been dark. [REDACTED] were down behind the ears. [REDACTED] was a tall [REDACTED] skinny build.

The [REDACTED] that was backing up was [REDACTED], "big [REDACTED] with a [REDACTED]. [REDACTED] stated that there was no one else with a gun. [REDACTED] did not see any police officers. [REDACTED] did not hear anyone say anything. [REDACTED] said that [REDACTED] heard 5 shots at first then, [REDACTED] heard 1 more. [REDACTED] did not see the [REDACTED] fire the weapon. [REDACTED] did not see anyone chasing the shooter because [REDACTED] was told to go inside for [REDACTED] safety.

The interview ended on 07-03-10 at 2046 hours.

**Witness 14** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] was interviewed at 572 Vallejo Street by Inspector Gianrico C. Pierucci and Inspector Lawrence Mack on 07-08-10 at 2100 hours.

[REDACTED] at [REDACTED] Grant Avenue. [REDACTED]  
[REDACTED] When there is trouble, [REDACTED] calls Officer Mark Alvarez from Central Station. Officer Alvarez arrives and clears the alley (Fresno Street).

[REDACTED] remembers that prior to the shooting, a black car with windows all blacked out had driven by [REDACTED] and went north on Grant Avenue. A bunch of [REDACTED] were chasing the car up the street. The [REDACTED] in the car were saying that they would be back later. The passenger shouted "I'll be back later mother fucker" and I'll kick your fuckin' ass." [REDACTED] did not see who was inside the black car.

[REDACTED] remembered that a couple of minutes before the shooting, the same car "zipped by" north on Grant Avenue. People started running into the Saloon Bar.

[REDACTED] remembered 3 [REDACTED] had run into the bar but left real quick. The black Honda, low rider like car, drove by a few seconds before the shooting. [REDACTED] was [REDACTED] when [REDACTED] heard 2 shots. Then the car went past. The car was going north on Grant Avenue accelerating. [REDACTED] saw the plainclothes officer pull his gun out. [REDACTED] walked in and told everyone to stay inside the bar. [REDACTED] looked out and saw the cop, a short guy with grey hair.

[REDACTED] stated that [REDACTED] heard a "clip go off" after [REDACTED] ran in the bar. [REDACTED] heard someone yell "get down, get down." During this time [REDACTED] recalled people running into the Saloon, and jumping over the bar. When [REDACTED] looked out, [REDACTED] saw one [REDACTED] by the wall. [REDACTED] agreed to be re-interviewed at a later date.

The interview ended on 07-03-10 at 2106 hours.

### Victim Statements:

**Victim 1-** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

On July 03, 2010 at 0810 hours, victim [REDACTED] was interviewed at [REDACTED] by Inspector Lawrence Mack #1789, Officer Mark Alvarado # 262 and Michael Lee #1643.

[REDACTED] stated that when [REDACTED] got out of work, at approx 10pm, [REDACTED] went home. At 1145pm [REDACTED] went to North Beach. [REDACTED] arrived a little after 12 midnight at Broadway and Columbus. [REDACTED] hung out there. [REDACTED] was just walking down the street when the shooting started.

[REDACTED] lives at home with [REDACTED] and a [REDACTED] by the name of [REDACTED]. When [REDACTED] went to Columbus and Broadway [REDACTED] was just walking around the night clubs. [REDACTED] told them [REDACTED] was alone. [REDACTED] said [REDACTED] did not go into any night clubs. [REDACTED] did stop to have a drink at the liquor store on Grant Avenue.

[REDACTED] did not see anyone. At the time [REDACTED] was shot, [REDACTED] was going back to Grant Ave. [REDACTED] walked up Columbus Avenue from Broadway Street to catch the [REDACTED] bus line go back home. [REDACTED] got shot. [REDACTED] saw the person who shot [REDACTED] but did not get a good look at [REDACTED].

The suspect looked like [REDACTED] was a [REDACTED] with a [REDACTED]. The [REDACTED] was a little bit taller than [REDACTED] who is [REDACTED]. The [REDACTED] was skinny and had a red baseball cap on [REDACTED] head. The person had on a white shirt. [REDACTED] could not remember the [REDACTED] pants. [REDACTED] did not know what type of gun the [REDACTED] used to do the shooting. [REDACTED] did not recognize the [REDACTED] and did not recognize anyone else around. [REDACTED] just knows some of the workers that work in the area.

[REDACTED] was not with [REDACTED]. [REDACTED] stated that [REDACTED] does not know [REDACTED] and was not hanging out with [REDACTED]. [REDACTED] did not get into an argument with anyone that night. [REDACTED] was just drinking. [REDACTED] was drinking red bull with Bacardi. [REDACTED] was walking before the shooting. [REDACTED] remembers that [REDACTED] was at the corner of Broadway and Columbus by the clubs before the shooting. [REDACTED] told Inspector Mack that the video tape would not show that [REDACTED] argued or fought with anyone before the shooting. [REDACTED] [REDACTED]. [REDACTED] does not know if any gang members were present because there were a lot of people.

The interview ended on 07-03-10 at 0825 hours.

**Victim 2-**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

On 07-03-10 @ 0745 hours, victim [REDACTED] was interviewed at [REDACTED] by Inspector Lawrence Mack #1789 I and Officer Mike Brown # 1864.

[REDACTED] stated that "we" were walking down Broadway and Columbus. [REDACTED] was trying to catch a cab. There was a big crowd, not friends of [REDACTED]. " [REDACTED] pulled out a gun and started shooting at everybody..." [REDACTED] said that the [REDACTED] pulled out a gun and

started shooting. [REDACTED] does not think [REDACTED] was the only one who was shot. [REDACTED] jumped behind a garbage can and was shot in [REDACTED] foot. The [REDACTED] shot probably 6-7 times. [REDACTED] does not know why. The shooter did not say anything to anyone. [REDACTED] just pulled out a gun and started shooting. [REDACTED] was wearing red that night. [REDACTED] was wearing a baseball cap. The shooter was really close to [REDACTED]. [REDACTED] did not say anything to [REDACTED] as [REDACTED] shot.

911 was called and [REDACTED] was taken to the ER. That is all [REDACTED] could remember. Inspector Mack continued to clear up the interview.

[REDACTED] told Inspector Mack that [REDACTED] was in North Beach by 0130 hours. [REDACTED] was with a friend, [REDACTED], but did not know [REDACTED] last name. [REDACTED] is [REDACTED] years old. [REDACTED] does not know where [REDACTED] lives. [REDACTED] caught a yellow cab a block away from Geneva Avenue at about 0100 hours to get to North Beach.

[REDACTED] was drinking with [REDACTED] friend at the restaurant. When [REDACTED] got to North Beach [REDACTED] was dropped off on Broadway and Columbus. [REDACTED] was with [REDACTED] [REDACTED] was not with the other [REDACTED] that was shot.

[REDACTED] and [REDACTED] were at the corner of Columbus and Broadway and that is when the shooting started. They did not want to pay 20-30 dollars for a short time in the club. They were walking up Columbus from Broadway when the shooting started. [REDACTED] did not have any words with anyone. [REDACTED] remembered that there were a lot of people at the corner of Columbus and Broadway Street arguing about something. The crowd was a mix of male and females, [REDACTED] does not remember what the argument was about. [REDACTED] and [REDACTED] friend passed the crowd north on Columbus. [REDACTED] remembers the pizza place on the corner. [REDACTED] said that when the shooting started everyone ran in the pizza place.

The suspect was close to [REDACTED]. The shooter was a [REDACTED], possibly [REDACTED], a little bit taller than [REDACTED]. The suspect is skinny. [REDACTED] has short hair like Inspector Mack, [REDACTED] color. The suspect was wearing all black a t-shirt, black pants, and [REDACTED] can't remember the shoes.

The suspect was right handed. [REDACTED] told Inspector Mack that [REDACTED] does not know much about guns. [REDACTED] could not describe the gun. All [REDACTED] saw was the sparks that came out of the gun. [REDACTED] does not know if the shooter was with others.

[REDACTED] said that the suspect was wearing a red baseball cap. [REDACTED] knows that there is a problem with red and blue. [REDACTED] told Inspector Mack [REDACTED].

[REDACTED] was hanging around in the street approximately 15 minutes before the shooting.

[REDACTED] said that [REDACTED] worked with [REDACTED] in the past. [REDACTED] does not have [REDACTED] phone number or [REDACTED] address. [REDACTED] saw [REDACTED] tonight and asked if [REDACTED] wanted to drink with [REDACTED]. The video would show [REDACTED] was not in confrontation with anyone. The interview ended on 07-03-10 at 0805 hours.

Victim 3-

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Witness [REDACTED] was transported to the Hall of Justice. [REDACTED] was interviewed by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada on 07-03-10 at 0817 hours. The interview was conducted in the [REDACTED] Unit's interview room. The interview was audio and video recorded.

[REDACTED] told us that [REDACTED] had fallen asleep in Washington Square Park. [REDACTED] began to walk on Columbus south bound on [REDACTED] way to visit a friend at Vesuvio Restaurant. [REDACTED] told us that when [REDACTED] reached Vallejo Street and Columbus Avenue, [REDACTED] does not remember observing a crowd. [REDACTED] was walking down the street on Columbus Avenue when [REDACTED] heard a couple of shots. At first [REDACTED] thought that the shots were firecrackers. [REDACTED] felt something ricochet off [REDACTED] leg. [REDACTED] was by the Condor Night Club when [REDACTED] heard the shots and felt the graze to [REDACTED] leg. [REDACTED] said that [REDACTED] saw nothing. [REDACTED] saw blood on [REDACTED] leg when [REDACTED] looked down. [REDACTED] crossed Broadway Street and went east on Broadway's south side. At the Garden of Eden, [REDACTED] Broadway Street, [REDACTED] saw a police officer. [REDACTED] told the officer what had happened. The police officer called for the paramedics. According to [REDACTED] there is a hole in [REDACTED] pants and a small skinned area on [REDACTED] leg. The medics told [REDACTED] that there was nothing wrong, there was no bullet fragment in [REDACTED] leg. There was no need to transport [REDACTED] to the hospital. Police took [REDACTED] to Central Police Station. [REDACTED] said that [REDACTED] was half asleep during the incident and did not see anything.

[REDACTED] told us that [REDACTED] does not know when [REDACTED] is [REDACTED]. [REDACTED] does not want to go to court. [REDACTED] does not want to press charges. [REDACTED] can always be reached on [REDACTED] cell number. The interview ended on 07-03-10 at 0831 hours.

### Statements of Officers Involved:

#### **Inspector John "Jay" Newman #1481**

Inspector John "Jay" Newman was interviewed at the Hall of Justice by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada #7044. The Police Officer Association Attorney Chris Shea was also present on 07-03-10 at 1654 hours. The interview was audio and video recorded.

Inspector Newman told Inspector Engler and Pierucci that he had not been injured during the incident. Insp. Newman entered the San Francisco Police Academy

[REDACTED] At the time of the incident Inspector Newman was in plain clothes. He is assigned to the Criminal Investigative Unit (CIU) in a plain clothes capacity. He was wearing a suit and tie. Newman stated that he was not wearing his sport coat. He had his department issued firearm. He had his police inspector star in front of his firearm on his right side. On his left side he had his extra magazine and handcuffs. Newman's equipment was consistent with his duties at the time of the incident.

He was assigned to the 1900 to 0500 hours shift city wide. His primary duties in that unit are to handle all major crimes and to assist the Station Investigation Team

(SIT). Newman further stated that he investigates shootings, helps homicide in shooting incidents, gang incidents, and any case with multiple victims.

On 07-03-10 at approximately 0130 hours, Inspector Newman was in the city of San Francisco in the "North Beach" district, with his partner Sergeant Jon Kasper. Newman remembers that he and his partner were in their assigned unmarked police car. Sergeant Kasper was driving and Newman was passenger. Newman stated that he and Sergeant Kasper had just passed Romolo Place. Sergeant Kasper went into the right turn only lane on Broadway Street to go onto Columbus Avenue. Newman had his window down. As they made a right turn onto the 300 block of Columbus his attention was drawn to a large group of individuals. The group members were approximately [REDACTED] [REDACTED] years old. The group was dressed in gang type clothing. There were people wearing red sweatshirts and people wearing blue sweatshirts. Some may have been wearing red baseball hats. Newman stated that due to his training and experience as a police officer, this type of clothing is consistent with members of certain gangs in the City. These observations also played into his attention being drawn to this specific group.

He saw "two [REDACTED] run into a strip joint [REDACTED] Columbus Avenue. His attention was then drawn to one specific person. Newman saw a [REDACTED] wearing a blue coat. He saw the [REDACTED] take off [REDACTED] coat. The [REDACTED] was now wearing a white tank top. This looked as though there was going to be a fight. Newman recalls that Sergeant Kasper's attention was drawn to the crowd. The [REDACTED] was yelling and screaming.

Newman saw one person in particular that drew his attention. This [REDACTED] was wearing a "red hat" facing south. Newman saw this [REDACTED] draw a firearm. Newman said it happened quick. Newman saw this person fire the gun at the [REDACTED] who just took off [REDACTED] coat. Newman now saw two groups facing each other. The suspect was indiscriminately shooting the gun at the opposing people facing [REDACTED]. Newman saw the handgun move as if it was directed at separate people. He saw multiple people drop to the ground. Newman saw the suspect with the gun turn and run toward Grant Avenue. Newman was still in the car. He and Kasper were in the number two lane. There were no cars at the curb. Newman remembered that he was at the bus stop area. The suspect and the victims were "roughly 15-20 feet from their unmarked police car. As Kasper was driving, Newman was paralleling the shooter. He knew that he could not draw his firearm to stop [REDACTED] from hurting or potentially killing other people. Newman could not shoot at the suspect because he did not have a clear shot at the suspect. They moved to the area of upper Grant Avenue from Columbus Avenue. Newman kept visual on the suspect with the gun, as the group began to run north on Columbus Avenue towards upper Grant Avenue.

Newman felt that at this point he could not expose himself. He was not in a position of advantage. Newman kept watching the suspect. The suspect had shot several victims. Newman thought that the suspect had possibly committed a homicide. Newman saw the handgun. He saw people fall. He saw the total disregard for human life by the suspect. Newman knew that the suspect had to be stopped. He had to stop the threat by this individual.

Newman got out of his police car. His star was visible on his belt in front of his handgun. Newman saw a building that was closed and the lights were off. Newman

saw the person with the handgun move up the street at a fast pace. █ appeared to be attempting to blend in with people in front of █. The other two people were wearing dark clothing. All blue or black clothing. Newman saw the suspect on the building line side. Newman stated, "Where the building line kind of switched and went up to Grant Street from Columbus." He wanted to use the slice the pie technique to give me a little bit of cover as I gained ground on █. Newman drew his weapon, identified himself as a police officer, and told the suspect to drop the gun. Newman stated, "Police, drop the fucking gun, something to that effect."

Newman told us that the suspect in the red hat met up with another █. Both were kind of off set. The other person was "maybe two feet" in front of the suspect. They were not shoulder to shoulder. █ was a half step up in front of the shooter. They were getting close. This is when Newman identified himself as a police officer and told the suspect to drop the gun. The suspect then turned with the gun in █ right hand towards Newman. Newman felt that he was in grave danger.

Newman stated that he did not know if his partner was in the car. He knew that the business behind the shooter was closed and there was no one in that business. Newman made it clear that at this time the person presented a threat to him. Newman was in fear of his life and the safety of citizens. This area on Broadway, Columbus and Grant is extremely crowded at this time of the night. Newman "felt the threat" and "fired one round" from his department issued firearm.

Newman told us that when he fired that round, he was approximately 10 and 15 feet, away from the suspect. He told us when he fired the round he had the position of advantage. He was between two parked cars when he tried to order the shooter to drop the gun. Newman focused on the person with the gun.

Newman believes the shooter had on a red hat, sweatshirt, blue jeans or black pants. The suspect's face was █.

██████████ Newman remembered the hat and some sort of thing under it. It could have been a doo rag, but he was not certain. Newman was not certain of the color of the sweatshirt the suspect was wearing. Newman told us, his attention was listening to the radio and he was trying to put out information. Several other officers arrived and helped.

Newman did not leave the shooter. Newman searched the shooter for any additional weapons and made sure that █ was not injured.

Newman wanted to check on his partner's well being. He had to get out the description of the other two that ran east on Fresno. Newman had transmitted the information that additional suspects were running toward Romolo Place. Then Newman needed to get to the victims and confirm that there were multiple victims. He called for aid for the victims. Newman stated that he did not leave the suspect. He was always in the immediate area. Newman de-cocked his weapon, rendered it safe, and secured it in his holster.

Newman reiterated that he was concerned about the two crime scenes. The one where multiple victims were shot on Columbus Avenue and the one where he fired one round and took the suspect into custody on Grant Avenue.

Newman told us that when he last saw the suspect, █ (the suspect) had the weapon and was with the person that was next to █. Shortly afterward, he heard that a handgun was found on Fresno Street at Grant Avenue. Newman did see the location

of where the gun was recovered. The gun was two businesses away from where the suspect was taken into custody, about 30 feet. Sergeant Kasper told Inspector Newman that he was standing over it. He instructed two uniformed officers to watch the gun. Newman stated that the person he had fired at and took into custody, is the person who shot at the victims on Columbus Avenue.

Inspector Newman stated that he never saw the other two suspects. He saw them running east on Fresno Street from Grant Avenue to Romolo Place. He never actually saw what they looked like. They were wearing dark clothing and running fast.

Inspector Newman stated: "I kept my eye on that one son-of-a-gun that was shootin' at the people." Newman stated, "when you see somebody with a firearm shooting and you see multiple people dropping, and people screaming and yelling, it's just chaos...you know you want to stop the threat. But a policeman in a car, there was too many people. I could not engage to stop that threat with my firearm at that time. I had to pick and chose a safe spot to my advantage for a possible take-on, because I knew that this person possibly just committed, in my mind, multiple homicides."

Inspector Engler asked Newman about his police background. Newman told us that he was assigned to the Specialist Team for approximately eight years. The Specialist Team is an inter-perimeter response team for any critical incident. The Team is a first responder deployed to contain critical incidents, such as, hostage situation, barricaded suspects, or a sniper, and active-type shooter situation. Specialists receive additional firearms training.

Inspector Newman also told us that he was assigned to the tactical entry teams for just shy of eight years. Newman was one of the trainers/ facilitators for the active shooter at Schlage Lock. Newman was a beat officer in the area around Broadway Street and Columbus Avenue.

Newman trained the department how to proceed and go after an active shooter. Newman stated he tried to deploy as many of those tactics he could at the time of the incident. Newman stated: "I announced myself as a police officer. I wanted to stop, detain and arrest. I wanted to take this firearm away from this person that I saw shoot, in a safe area." Newman added that there were a lot of people that could have potentially been victims due to this person's careless disregard for human life. Newman thought that if the suspect was not stopped, [REDACTED] would have gotten away and possibly have shot additional people.

After Newman engaged the shooter and fired one round, "things were still crazy." Newman was able to see where his round hit the wall. He had to assess the situation and see if the shooter was hit.

Newman stated that, "when [REDACTED] (suspect) presented the threat, I was expecting [REDACTED] to drop the gun, you know, comply a little bit. I really thought, you know, because I was on it so fast, [REDACTED] could have complied. I did not expect for [REDACTED] to turn and present a threat to me with the gun. Having that happen, you know, the gun...at that point I fired..." Newman did not know that the gun had been given to somebody else and had been taken up the block to Fresno Street at Grant Avenue.

After he fired, the individual went down, hands out. The suspect complied. That is the reason he delivered one shot. At that point there was no additional threat from the suspect.

Newman told us that Sergeant Kasper was also in plain clothes. Sergeant Kasper had his police star hanging from around his neck. Newman also told us that the police vehicle he and Kasper were in the night of the incident, was a Ford Taurus. Newman recalled that he was going to sound their air horn at the fighting group to warn them that the police were present, before he saw the suspect's gun. He wanted to warn the group that the police were present and to stop fighting. However, the car was not equipped with that particular devise.

Newman told us that from the time he observed the group of people to the time he saw the gun, it took approximately 5 – 7 seconds. From the time the gun was seen to the time the individual began to shoot, was also within the 5-7 seconds. From the time Newman saw the group to the time the shots were fired, was less than 10 seconds.

Within this time frame Newman immediately assessed the threat, which called for use of deadly force. The shooter had left Newman with no other option based on the situation. Newman stated that the use of deadly force was not justified immediately because of the large crowd. Newman immediately moved to a position where he could tactfully and safely take this individual into custody. This was done as quickly as he could.

As soon as Newman fired one round, the person next to the suspect, took off at a full sprint, and turned right with the other individual, eastbound Fresno Street.

After Newman fired one round the shooter got down to the ground and Newman gave [REDACTED] verbal orders. Other officers arrived and Newman told them, hold this [REDACTED] this is the shooting suspect.

Newman's department issued pistol was later given to CSI Sgt. Weggenmann and Officer Gomes.

Newman remembered that Central Station personnel were moving the shooter to the station. He told the officers to bag the shooters hands for GSR test to be taken.

Newman preserved the evidence as best he could until the scene was secured. He picked up his spent casing, as someone had kicked it and it had moved from its original position. Newman felt that someone would kick it into the sewer or a car would pick it up in the tires and drive off with it. Newman gave the casing to CSI in the presence of Lt. Sianez.

The interview ended on 07-03-10 at 1810 hours.

#### Sergeant Jon Kasper # 68

Sergeant Jon Kasper #68 was interviewed at the Hall of Justice, [REDACTED] Unit Interview room by Inspectors Joseph Engler # 239, Gianrico C. Pierucci #1604, and District Attorney Investigator (DAI) Jimmy Posada #7044. The interview was audio and video recorded.

Sergeant Kasper told us that on 07-03-10 at approximately 0130 hours he was on duty, assigned to the Criminal Investigation Unit (CIU). He was in a plain clothes investigative capacity in an unmarked police car. Kasper informed us that CIU investigates major crimes, robberies, primarily late-night robberies, anything where there is great bodily injury, mainly major cases.

He was driving the unmarked car with his partner Inspector John "Jay" Newman. Newman was in the passenger seat. They were patrolling "all areas of the City." They had just come from searching for a robbery suspect in an incident that had occurred in the upper Tenderloin, Central district area. Kasper and his partner were looking for the vehicle that was involved in the robbery.

Kasper worked this area of Central Station as a motorcycle officer assigned to the Violence Reduction Unit. Kasper stated that "there's a lot of gang activity. A lot of individuals come in from out of town and cause a lot of problems, fights, whatnot."

Kasper told us that he was northbound Columbus Avenue from Broadway. In front of Little Darlings strip club, Kasper saw a group of people who looked as if they were involved in a verbal argument. There was a lot of yelling and it looked as if some [REDACTED] were trying to break it up. Kasper heard a couple of people yelling [REDACTED]. He saw somebody giving a hand sign. Kasper remembers that the [REDACTED] doing hand signs was [REDACTED]. Kasper knows it was a gang sign from his past experiences as a police officer.

It looked as if an individual started to walk away. A group of the individuals started to walk northbound. One of them was an individual wearing a red baseball cap and a dark-colored long-sleeved shirt. All of a sudden, [REDACTED] pulled out a black firearm and started firing southbound Columbus towards Broadway. Kasper did not see the suspect remove the gun. The suspect was yelling and it is believed by Kasper that the suspect had [REDACTED] right arm extended. The suspect was in a group and it appeared that somebody was pulling [REDACTED] as [REDACTED] was shooting. Kasper said that he heard 5-6 shots. Kasper and Newman could see the shots were coming from the gun. You could see the flash. Kasper stated that he was approximately 15 feet away from the suspect. The suspect was on the north side of Little Darlings strip club. The other group that was shot at was on the south side of Little Darlings. There were a lot of people there and there are police cars passing by every 10 minutes. Kasper believes that the suspect saw them and that is why the suspect stopped firing more rounds.

Kasper believes that Inspector Newman immediately put the information out on the air. Kasper had taken his gun out of his holster. However with all the people on the street and his position in the car, it was not safe to engage the suspect and stop the threat. At that point Inspector Newman opened the passenger door because it looked like the suspect looked right at them. People were pointed out to them as well. Kasper believes that the group knew that they were police officers. Kasper almost came to a complete stop to observe the verbal argument. This group stood out because of the

gang signs "curved, bent fingers" and the yelling out "██████████." One of the individuals had a red cloth belt.

Kasper told us that when the individual started shooting down the block, it looked like █████ was with a group of about three or four other people. It looked like a █████ in a black sweatshirt was pulling █████ back as █████ was shooting. The suspect looked at them and then "started to run." The suspect started to run northbound Columbus Avenue as Inspector Newman got out of the car. Kasper heard Newman say, "police, drop the gun." Kasper stated that probably right after the shot is when Inspector Newman yelled out to the suspect to drop the gun.

The suspect went northbound Columbus Avenue and then made a right to eastbound Grant. Kasper proceeded to pursue the shooter as Inspector Newman was putting the information out via his department radio. Kasper stated that when he was watching the incident he slowed down almost to a stop. He and Newman had no time to converse about anything because it happened fast. Kasper stated that he believed that the people on the street knew that he and Newman were police officers in an unmarked car. He again repeated that he had his star on a chain around his neck clearly visible to everyone on his outer garment.

Kasper described the shooter as wearing a red hat. He believed that the suspect's height was █████, however, Kasper was not positive. Somebody pulling the shooter back had on a black glove. Kasper saw another individual that had a white sweater and a red cloth belt. Kasper was focused on the gun and the red cap. Kasper did not notice an insignia on the red cap until later at the time of arrest. Kasper is "almost 100 percent positive that the shooter in front of Little Darlings strip club is the same person that was arrested on Grant Avenue. Kasper told us that he lost sight of the █████ for a minute then later in the interview he corrected himself and stated he had lost sight of the shooter for "just a matter of a couple seconds." Kasper told us that during this time there is a lot of foot traffic. Bars are getting out and people are hailing cabs. Kasper believed he lost sight of Insp. Newman as well, but believes he saw Newman running between two cars when he was on Grant Avenue. Kasper heard what he believed were two shots. Kasper did not see Newman fire his weapon.

Kasper told us that he parked the unmarked car in a vertical direction in an attempt to block the suspect's avenue of escape. Kasper was thinking that if could get ahead of the shooter, and the shooter turned and ran back, Inspector Newman could catch █████ Kasper did not see Inspector Newman shoot because he had dropped Inspector Newman off and drove ahead to block the suspect's path with the unmarked police car.

When Kasper heard the shots, he got out of his car and ran around it. He could not remember if he ran in front or behind the vehicle. He saw Inspector Newman going toward █████ and that is when he heard Newman saying "going down Fresno."

Kasper stated that he was confused because he saw the █████ in the red hat there and then (he) took the █████ in the red hat down to the ground...and placed █████ in handcuffs.

He believes he did a quick search on the [REDACTED] with the red cap. Kasper asked Newman for the location of the gun. Newman told him [REDACTED] passed it off. Kasper did not know Inspector Newman fired a shot until Newman put it out on the air that it was an officer involved shooting. At this point other officers arrived. Kasper told them to stay with the suspect. He helped Newman look for the suspects that were running east onto Fresno. Kasper wanted to get the information about the person with the red belt out to other officers via police radio. Kasper went into the Saloon Bar to look for other people that possibly ran into the bar. The [REDACTED] told Kasper that [REDACTED] had run into the bar but no one else came in after [REDACTED]. Kasper believed [REDACTED]. Kasper exited The Saloon Bar. He saw the gun in the street on the south side of Fresno Street several feet from Grant Avenue. According to Kasper, the gun was approximately three car lengths from the suspect. He heard that the suspect had handed off the gun and then somebody ran down Fresno. Then it made sense to Kasper why the gun was up the block. The suspect did not say anything to Kasper. [REDACTED] was taken away by other police officers to Central Station. Other officers watched the gun to secure it for evidence. Kasper advised the officers that the hammer on the pistol was cocked. Kasper went back to the suspect. He told the officers to bag the suspect's hands.

Kasper told us that the [REDACTED] with the black sweatshirt that was detained on Romolo Place looked like the [REDACTED] who was pulling the person in the red hat away. It appeared that [REDACTED] was the one wearing the black glove. Kasper saw this subject wearing a black glove on [REDACTED] left hand, when he saw [REDACTED] mid-block on Romolo Place. The glove was taken off this suspect and placed into an evidence bag. When Kasper did a cold show at Romolo Place, the [REDACTED] in the black sweatshirt became verbally abusive and was real defensive.

The [REDACTED] claimed to have been shot in the foot. It was apparent that [REDACTED] shoe had been shot not [REDACTED] foot. This individual was not injured. This is what Kasper believed to be the second shot he thought he heard.

There was a person with the shooter and the [REDACTED] with the black glove at the time of the shooting. The [REDACTED] was wearing a white colored top and was [REDACTED]. [REDACTED] was a shorter [REDACTED] with short hair. [REDACTED] could not say whether this [REDACTED] was part of the shooting incident groups.

The interview ended on 07-03-10 at 1918 hours.

## Crime Lab Analysis

### Description of Evidence:

Bag # 18	Ex. 18-1	One apparent lead fragment
	Ex. 18-2	One Apparent lead bullet core
	Ex. 18-3, 18-4	

	18-6, 18-11	Four fired copper bullet jackets
	Ex. 18-8, 18-9	
	Ex. 18-12 – 18-15	Six fired 40 Smith & Wesson caliber cartridge cases (1- Federal, 4- Remington-Peters, and 1- Winchester)
	Ex. 18-10	One fired copper bullet jacket fragment
	Ex. 18-17	Two apparent lead fragments
Bag # 50	Ex. 50-1	One 40 Smith & Wesson caliber Sig Sauer Model P226 semiautomatic pistol, serial number [REDACTED]
	Ex. 50-2, 50-3	Two magazines
	Ex. 50-4	One fired 40 Smith & Wesson caliber Winchester cartridge case
	Ex. 50-5, 50-6	Twenty-four 40 Smith & Wesson caliber Winchester cartridges
Bag # 51	Ex. 51-1	One 40 Smith & Wesson caliber Sig Sauer SP 2340 Semiautomatic pistol, serial number [REDACTED] One magazine Three 40 Smith & Wesson caliber cartridges (2- Remington-Peters and 1- CCI)

#### Results of Examination:

Bag # 18	Ex. 18-1, 18-2, 18-17	The three apparent lead fragments and apparent lead bullet core do not display individual characteristics and were not examined further.
	Ex. 18-3, 18-4, 18-6, 18-11	The jackets were all fired from the submitted Exhibits 51-1 pistol The exhibits were determined to be of 40 Smith & Wesson caliber displaying rifling characteristics of six lands and grooves, right twist.
	Ex. 18-8, 18-9, 18-12 – 18-15	The cartridge cases were all fired in the submitted Exhibit 51-1 pistol.
	Ex. 18-10	The Jacket fragment could neither be identified nor eliminated as having been fired from the same firearm as the exhibits 18-3, 18-4, 18-6, or 18-1 bullet jackets. Further, the jacket fragment could neither be identified nor eliminated as having been fired from the submitted pistol Exhibits 50-1 or 51-1.

Bag # 50	Ex. 50-1, 50,2	The Pistol was examined and found to be functional using one of the submitted magazines, Exhibit 50-2. The trigger pull was found to be within manufacturer's specifications.
	Ex. 50-4	The cartridge case was fired in the submitted Exhibit 50-1 pistol.
	Ex. 50-3, 50-5, 50-6	The remaining magazine and cartridges were not examined further.
Bag # 51	Ex. 51-1	The pistol was examined and found to be functional using the submitted magazine. Tests were fired and compared to the NIBIN Database and Laboratory open case file with negative results.

See Criminalist II Mark Proia's Report of Laboratory Examination for complete details.

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1 [REDACTED] ...And then... I understand you  
2 guys are doing and everything. You know?

3 INSPECTOR MACK: I hear you. I appreciate your  
4 time all right? So I guess you seem to  
5 [understand]. All right, uh, today's date is, uh,  
6 July 3rd, 2010. It's approximately four o'clock in  
7 the morning. Um, my name is Inspector uh, Larry  
8 Mack, star 1789.

9 INSPECTOR CUNNINGHAM: Inspector Daniel  
10 Cunningham, star 650.

11 INSPECTOR MACK: And this involving case  
12 number 100609942. And um, I'm speaking with... what's  
13 your name [REDACTED]?

14 [REDACTED]

15 INSPECTOR MACK: What's your last name [REDACTED]

16 [REDACTED]

17 INSPECTOR MACK: Can you spell that for me  
18 please?

19 [REDACTED].

20 INSPECTOR MACK: Okay. And what's your  
21 birthdate [REDACTED]

22 [REDACTED]

23 INSPECTOR MACK: Okay, and where do you live?

24 [REDACTED]

25 [REDACTED]

1           INSPECTOR MACK: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4           INSPECTOR MACK: And, and uh, you got a  
5 contact number?

6           [REDACTED] Um, sh... you can call me on his  
7 number. I really don't have a phone.

8           INSPECTOR MACK: You don't have a cell?

9           [REDACTED] Uh-uh.

10          INSPECTOR MACK: Okay. And uh, can you tell me  
11 what happened tonight? You...

12          [REDACTED] I don't know. I was just  
13 sleepin' in the car. And I just... I heard some loud  
14 bangs. And then, ch... by the time I... ch... woke up,  
15 you know what I mean, I just seen everybody  
16 scattering. I don't even know what was going on.

17          INSPECTOR MACK: Okay. And what car were you  
18 sleeping in?

19          [REDACTED] I was sleeping in that little  
20 car right there.

21          INSPECTOR MACK: That [REDACTED] car?

22          [REDACTED] Yeah.

23          INSPECTOR MACK: That same car... is that [REDACTED]

24 [REDACTED]

25          [REDACTED] Yes, sir.

1           INSPECTOR MACK: ...That I just spoke to... you  
2 [REDACTED] and where were you sleeping?

3           [REDACTED] I was sleeping in the backseat.  
4           INSPECTOR MACK: Okay. And what time did you  
5 get here tonight?

6           [REDACTED] Psss, psss, anywhere from one  
7 or two o'clock.

8           INSPECTOR MACK: Okay. And uh, d.. did you walk  
9 outside, do anything like that?

10          [REDACTED] Nope. I never got out the car.

11          INSPECTOR MACK: Okay. And uh, you sat on the  
12 backseat?

13          [REDACTED] Yeah. I just sat back there,  
14 and... [unintelligible].

15          INSPECTOR MACK: Did you hear any fighting, or  
16 anything like that?

17          [REDACTED] No, I didn't, I didn't hear  
18 anything until I heard those loud bangs and then  
19 ch... [unintelligible] [overlapping speech].

20          INSPECTOR MACK: What did you think the loud  
21 bang was?

22          [REDACTED] Sh... like shots.

23          INSPECTOR MACK: Sound like a gun?

24          [REDACTED] Sh... sounded like gun shots,  
25 yeah.

1           INSPECTOR MACK: And uh, because you didn't  
2 see anybody rioting?

3           [REDACTED] I didn't, I didn't, I knew it  
4 was just a big commotion. I couldn't see anything,  
5 you know?

6           INSPECTOR MACK: Okay.

7           [REDACTED] Everything was just moving too  
8 fast, I couldn't really... you know? I wasn't really  
9 trying to be nosy neither. So...

10          INSPECTOR MACK: Right. [unintelligible] right  
11 next to the car. So you...

12          [REDACTED] Yeah. I mean, yeah, it, it woke  
13 me up for sure.

14          INSPECTOR MACK: Right.

15          [REDACTED] But, you know... by the time I...

16          INSPECTOR MACK: How about afterwards? You  
17 see...

18          [REDACTED] No, just...

19          INSPECTOR MACK: ...Remember anybody telling you  
20 anything?

21          [REDACTED] No, just the cops and... you  
22 know? [overlapping speech]

23          INSPECTOR MACK: [unintelligible] your car...

24          [REDACTED] I just seen a... couple victims  
25 that was on the floor... that was it. And the...

[REDACTED] - 100 609 942 - 07/03/2010

1 paramedics was there. That's it.

2 INSPECTOR MACK: Okay. All right. Okay, this  
3 will end this interview. It's five after four.

4 END OF DOCUMENT

1           INSPECTOR ENGLER: ...10. The time is now, uh  
2 5:45 in the AM. Uh, this is in regards to case  
3 number 100609942. My name is Inspector Joe Engler,  
4 star 239. I'm here with my partner...

5           INSPECTOR PIERUCCI: 1604. Inspector Pierucci,  
6 P-I-E-R-U-C-C-I.

7           INSPECTOR ENGLER: And...

8           DA INVESTIGATOR JIMMY POSADA: And San  
9 Francisco DA Investigator, uh Jim Posada, star  
10 number 7044.

11          INSPECTOR ENGLER: [REDACTED] what is your name?

12 [REDACTED]

13 [REDACTED]

14          INSPECTOR ENGLER: Okay. Uh, [REDACTED].

15 [REDACTED]

16 [REDACTED] Just [REDACTED]

17          INSPECTOR ENGLER: [REDACTED] okay. [REDACTED] uh,  
18 earlier in the morning today, July 3<sup>rd</sup>, uh, sometime  
19 after one AM in the morning, there was an incident  
20 out near Columbus and Broadway. Uh, were you  
21 present in that area when the incident occurred?

22 [REDACTED]

23 [REDACTED]

24          INSPECTOR ENGLER: [REDACTED]

25 [REDACTED] Columbus Street.

1           INSPECTOR ENGLER: Columbus Street. Which is  
2 the...

3           [REDACTED] Taqueria Zorro.

4           INSPECTOR ENGLER: Taqueria Zorro

5           [REDACTED] Zorro.

6           INSPECTOR ENGLER: Zorro.

7           [REDACTED] So it's two doors  
8 where there was a shooting.

9           INSPECTOR ENGLER: Oh, so there was a shooting  
10 tonight?

11          [REDACTED] Yeah.

12          INSPECTOR ENGLER: Did you see the shooting  
13 occur?

14          [REDACTED] Nope.

15          INSPECTOR ENGLER: Okay. You were at the  
16 taqueria, where you inside or outside?

17          [REDACTED] Inside.

18          INSPECTOR ENGLER: You were inside, and you  
19 were inside when the shots were fired?

20          [REDACTED] Yes.

21          INSPECTOR ENGLER: Why don't you describe to  
22 me what you were doing at that time?

23          [REDACTED] The time when I saw  
24 people outside... they have argument, and I hear  
25 somebody said, "I'm from [REDACTED]. Somebody

1 pissed me off on the corner of Broadway and  
2 Columbus." And get together with a lot of people.  
3 That's when I [REDACTED], and I told what's  
4 going on. [REDACTED] I  
5 ran, [REDACTED] Uh, [REDACTED] coming to see  
6 me, is when I hear, the, the shots. And they start  
7 shooting. [REDACTED]

8 [REDACTED]

9 INSPECTOR ENGLER: Okay.

10 [REDACTED] Called right away...  
11 the, the phone [REDACTED]  
12 [REDACTED].

13 INSPECTOR ENGLER: Mm-hmm.

14 [REDACTED] I call for two  
15 minutes. I was talking with the police... um... let's  
16 see over here... uh two or three minutes.

17 [PHONE RINGING]

18 INSPECTOR ENGLER: Okay. S [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] Yes, inside.

23 INSPECTOR ENGLER: Okay. When you say inside,  
24 is it just inside the front door?

25 [REDACTED] Yeah, from the front

1 door, inside. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 INSPECTOR ENGLER: Right. [REDACTED]

5 [REDACTED]

6 [REDACTED] Yeah.

7 INSPECTOR ENGLER: Okay.

8 [REDACTED] I, I was inside. O...

9 INSPECTOR ENGLER: Is the door open or shut?

10 [REDACTED] Open.

11 INSPECTOR ENGLER: So it's open... so you could  
12 actually see people, and you could hear  
13 conversations? So, did you hear, for example, the  
14 conversation where somebody said, "I'm from [REDACTED]  
15 [REDACTED], and I'm upset..." were these conversations  
16 that are [REDACTED]

17 [REDACTED]

18 INSPECTOR ENGLER: Okay. And these  
19 conversations in [REDACTED] did they sound like  
20 fighting words, or were they people just happy to  
21 see each other?

22 [REDACTED] Uh, sounds to me  
23 when I hear... there was one [REDACTED] know the [REDACTED]  
24 and [REDACTED] telling these people that somebody pissed  
25 off the [REDACTED] on the corner of Broadway and Columbus.

1 Because...

2 INSPECTOR ENGLER: When you say "pissed off,"  
3 do you think it sounded like there'd already been a  
4 fight, which...

5 [REDACTED] Yes. But to beat  
6 [REDACTED] sounded like, "somebody tried to beat me,"  
7 in [REDACTED]

8 INSPECTOR ENGLER: [REDACTED]

9 [REDACTED]

10 [REDACTED] Uh, [REDACTED]

11 INSPECTOR ENGLER: Is that what you heard?

12 [REDACTED] Yeah. I [REDACTED]

13 INSPECTOR ENGLER: Okay.

14 [REDACTED] Was "somebody tried  
15 to hit me." [REDACTED] was pissed.

16 INSPECTOR ENGLER: Okay.

17 [REDACTED] So...

18 INSPECTOR ENGLER: And who was [REDACTED] telling that  
19 to?

20 [REDACTED] Like, I don't know,  
21 eight, ten [REDACTED] that was next to... Little Darling.  
22 Next... between the hotel and Little Darling. Yeah.

23 INSPECTOR ENGLER: This [REDACTED] that said that,  
24 what did [REDACTED] look like?

25 [REDACTED] looked like a

1 [REDACTED] more [REDACTED], like [REDACTED],  
2 white t-shirt, blue jeans... like flat, flat-top-cut  
3 hair, like small hair. Well, I had like four  
4 seconds to look. Because when it happened I  
5 [unintelligible], [REDACTED]

6 [REDACTED]

7 INSPECTOR ENGLER: And [REDACTED] the [REDACTED] that  
8 says, "I'm from [REDACTED]..."

9 [REDACTED] Yeah.

10 INSPECTOR ENGLER: ...and, and I'm, and I'm  
11 upset," or...

12 [REDACTED] Mm-hmm. Mm-hmm.

13 INSPECTOR ENGLER: "...Somebody tried to hit  
14 me."

15 [REDACTED] And I have the  
16 number from the [REDACTED]

17 [REDACTED] I was going to call too,  
18 because I called to [unintelligible] people  
19 outside. But I don't have time, because the  
20 shooting started really fast.

21 INSPECTOR ENGLER: Okay. So... people came  
22 together with this one [REDACTED] complaining about people  
23 trying... when the people came together, were these  
24 people [REDACTED] was talking to... where they [REDACTED] friends?

25 [REDACTED] Looked to me,

1 because they are, uh, listen to this [REDACTED], is when I  
2 ran in the back. And I saw this [REDACTED] with a, a red  
3 jacket after...

4 INSPECTOR ENGLER: A red, a red jacket?

5 [REDACTED] Jacket, yeah.

6 INSPECTOR ENGLER: When you say "a red  
7 jacket," is it a red jacket like the coat you have  
8 on?

9 [REDACTED] Yeah. The coat  
10 closed, with a hat.

11 INSPECTOR ENGLER: With a hood?

12 [REDACTED] With a hood. [REDACTED]  
13 the one [REDACTED] got shot [REDACTED]. [REDACTED] was  
14 laying down, when I was coming out with a  
15 [unintelligible], on the front [REDACTED] next to  
16 the garbage can.

17 INSPECTOR ENGLER: So this [REDACTED] was talking  
18 to, is actually one of the [REDACTED] that got shot?

19 [REDACTED] Yeah.

20 INSPECTOR ENGLER: Okay.

21 [REDACTED] Because [REDACTED] was [REDACTED]  
22 [REDACTED] a couple times, and I told the [REDACTED]

23 [REDACTED] [REDACTED]  
24 INSPECTOR ENGLER: So what... from tonight or  
25 from other nights?

1 [REDACTED] It was for tonight.

2 INSPECTOR ENGLER: So tonight you saw [REDACTED] a  
3 few times?

4 [REDACTED] A few times.

5 INSPECTOR ENGLER: The [REDACTED] that got shot?

6 [REDACTED] Yeah.

7 INSPECTOR ENGLER: Okay. How about the [REDACTED]  
8 that came up from [REDACTED] ... said [REDACTED] was from [REDACTED] was  
9 that the first time?

10 [REDACTED] It was the  
11 first...actually, uh, four seconds, five seconds, the  
12 first time I hear [REDACTED] voice. And [REDACTED]. usually  
13 because [REDACTED] here every weekend, usually  
14 some of the same crowd, some of the same people.  
15 So, you, you go... you get to know these people.

16 INSPECTOR ENGLER: How about this time?

17 [REDACTED] Not at all.

18 INSPECTOR ENGLER: You didn't know these [REDACTED]

19 [REDACTED] No. That's really  
20 weird. And I told the [REDACTED]  
21 like "hey you got a lot of [REDACTED] tonight." "Yeah,  
22 from different people, not the regular people,"  
23 [REDACTED] like, "not the regular people."

24 INSPECTOR ENGLER: They not the regular  
25 people.

1 [REDACTED] They're not regular  
2 people.

3 INSPECTOR ENGLER: Okay. So... the [REDACTED] in the  
4 red sweatshirt, on the ground, who got shot... that's  
5 easy for us to figure out who [REDACTED] is. Because [REDACTED] got  
6 shot. Did you see [REDACTED] lying there shot?

7 [REDACTED] [REDACTED] Yeah. Outside, next  
8 [REDACTED] garbage can.

9 INSPECTOR ENGLER: Okay. How about the other  
10 people that were... that, that [REDACTED] from [REDACTED]  
11 was talking to, what did they look like?

12 [REDACTED] The one looked like,  
13 uh, uh, more [REDACTED] [unintelligible] [REDACTED]... [REDACTED],  
14 of course. I show...

15 INSPECTOR ENGLER: Why don't we start with one  
16 at a time. Who stands out in your mind that's also  
17 talking with the [REDACTED]

18 [REDACTED] The one... [REDACTED] was  
19 laying down, because the cops scattered and ran  
20 away... [REDACTED] was laying down... red jacket, uh, [REDACTED]...

21 INSPECTOR ENGLER: The [REDACTED] in the red jacket  
22 [REDACTED]?

23 [REDACTED] Yeah, [REDACTED].

24 INSPECTOR ENGLER: How about anything else  
25 that you can remember?

1 [REDACTED] I saw a lot of  
2 jackets, [unintelligible], definitely go so fast,  
3 people moving, you know, up and down. Usually I was  
4 [REDACTED].

5 INSPECTOR ENGLER: Mm-hmm.

6 [REDACTED] And...

7 INSPECTOR ENGLER: Let me ask you this... if you  
8 were to see any of those people again, would you be  
9 able to recognize 'em?

10 [REDACTED] Uh, if I see on the  
11 street, I would say yes, of course. Because I see  
12 on the street [unintelligible]. To see them do  
13 something, I don't see anything, because I was  
14 inside. My...

15 INSPECTOR ENGLER: Okay.

16 [REDACTED] .. [REDACTED]

17 [REDACTED]  
18 INSPECTOR ENGLER: How many shots did you  
19 hear?

20 [REDACTED] Wow.. eight, ten.

21 INSPECTOR ENGLER: All... were they all  
22 together, or was there shooting.. was there a pause,  
23 and then more shooting?

24 [REDACTED] Uh, there was like,  
25 one shot, and like, two seconds after that, like

1 couple more shots, and still like two seconds, keep  
2 going. See, because what had happened, I'm run... I'm  
3 running back... [REDACTED]

4 [REDACTED] You know, right away, because  
5 [REDACTED]

6 INSPECTOR ENGLER: Did you at any point see  
7 any police officers?

8 [REDACTED] Yeah. When I was  
9 talking with the police on the phone, I saw the  
10 cops right away, like in 20 seconds.

11 INSPECTOR ENGLER: Were these undercover  
12 officers or uniform officers?

13 [REDACTED] Regular-cover... uh,  
14 regular police.

15 INSPECTOR ENGLER: In a police uniforms?

16 [REDACTED] Yeah.

17 INSPECTOR ENGLER: Did you see any undercover  
18 officers that you know of?

19 [REDACTED] No. Because I was  
20 already... it took me like 10 minutes to go outside  
21 and see, because I wanted to be sure everything is  
22 all right.

23 INSPECTOR ENGLER: Very good. Did anyone tell  
24 you... that they saw this whole thing? That... have you  
25 had an opportunity to talk to anyone?

1 [REDACTED] No, because at the  
2 moment, I wouldn't [REDACTED]. So, the  
3 closest to the window... [REDACTED]

4 But when we hear the shots, we just go back.

5 INSPECTOR ENGLER: You've been waiting in a  
6 room with a lot of people, and we haven't talked to  
7 those people yet to see what they saw... in the front  
8 of, of, of this, of this office. Has anything been  
9 said there, that would influence your... what you  
10 saw... or is this what you saw when you...

11 [REDACTED] This is what, what I  
12 saw. Yeah, I'm, I'm really surprised I'm here.  
13 Because I was telling the police what I see... and I  
14 hear somebody say, " [REDACTED], and..."

15 INSPECTOR ENGLER: Okay. That was very helpful  
16 though. Thank you.

17 [REDACTED] Uh.

18 INSPECTOR ENGLER: I don't have any further  
19 questions. Inspector do you?

20 INSPECTOR PIERUCCI: I'm just a little bit  
21 confused about these, these people that you saw  
22 outside. You saw one [REDACTED], right, you saw, you saw  
23 the [REDACTED] that was talking in...

24 [REDACTED]  
25 INSPECTOR PIERUCCI: . [REDACTED] Can, can you

1 describe [REDACTED] to me again? Just describe [REDACTED] to me...  
2 the [REDACTED] that you saw.

3 [REDACTED] Short hair, almost a  
4 flat-top...

5 INSPECTOR PIERUCCI: Short hair, flat top...

6 [REDACTED]

7 INSPECTOR PIERUCCI: Okay.

8 [REDACTED] ...

9 almost... shorter than me.

10 INSPECTOR PIERUCCI: Shorter than you.

11 [REDACTED] Yeah.

12 INSPECTOR PIERUCCI: And how tall are you?

13 [REDACTED] I'm [REDACTED].

14 INSPECTOR PIERUCCI: Okay. So you, you said  
15 [REDACTED]?

16 [REDACTED] Yeah. [REDACTED].

17 INSPECTOR PIERUCCI: Okay. About [REDACTED].  
18 Okay, flat-top. [REDACTED]?

19 [REDACTED] Yeah.

20 INSPECTOR PIERUCCI: Was [REDACTED] a s..., a  
21 short [REDACTED]

22 [REDACTED] No, a skinny... [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 ... INSPECTOR PIERUCCI: [REDACTED] was a skinny [REDACTED]

25 [REDACTED]

1 [REDACTED] Yeah.  
2 INSPECTOR PIERUCCI: Not like [REDACTED]?  
3 [REDACTED] No, no, no, no, no,  
4 no.  
5 INSPECTOR PIERUCCI: Okay.  
6 [REDACTED] S... [unintelligible],  
7 sorry about that.  
8 [LAUGHTER]  
9 INSPECTOR PIERUCCI: Okay. So...  
10 [REDACTED]  
11 [REDACTED] Mm-hmm.  
12 INSPECTOR PIERUCCI: All right. And what was  
13 [REDACTED] wearing?  
14 [REDACTED] White t-shirt...  
15 INSPECTOR PIERUCCI: A white t-shirt.  
16 [REDACTED] ...Blue jeans...  
17 INSPECTOR PIERUCCI: Blue jeans.  
18 [REDACTED] ...The shoes, I don't  
19 see it. Because...  
20 INSPECTOR PIERUCCI: Okay.  
21 [REDACTED] . [REDACTED] express about  
22 it, and I look, and I see how they get together.  
23 INSPECTOR PIERUCCI: [REDACTED] was talking to a  
24 crowd...  
25 [REDACTED] Mm-hmm.

1 INSPECTOR PIERUCCI: ...And I [REDACTED] was telling them  
2 that somebody got [REDACTED] mad?

3 At the Condor.

4 INSPECTOR PIERUCCI: That somebody tried to  
5 hit [REDACTED]?

6 |  Mm-hmm.

7 INSPECTOR PIERUCCI: Okay. Then what happened  
8 from there? Were you looking at all this? Because  
9 you were...

10 [REDACTED] No. When, when, that  
11 happened is [REDACTED] all they got so... because that  
12 isn't... those happen almost every weekend. [REDACTED]

13 | Page

14

15 INSPECTOR PIERUCCI: Yeah.  
16 [REDACTED] ...Tell [REDACTED] what's  
17 going on. Just check it out [REDACTED]

18 INSPECTOR PIERUCCI: Right.

19 I go back,

20 | Page

INSPECTOR PIERUCCI: Okay. But, but, but this  
[redacted] outside, what did you see [redacted] do?

23 [REDACTED] I don't see... uh,  
24 anything... [REDACTED] putting [REDACTED], [REDACTED] hand like this,  
25 like... you know, when you talk, something, you p

1 your hands to speak... I saw [REDACTED], and [REDACTED] on

2 [REDACTED] [REDACTED] [REDACTED]

3 coming to see what's going on.

4 INSPECTOR PIERUCCI: Okay.

5 [REDACTED] All right. And  
6 which... we hear the shots, and we just run... run to  
7 the back... go back.

8 INSPECTOR PIERUCCI: Did you see anybody  
9 shooting?

10 [REDACTED] Nope.

11 INSPECTOR PIERUCCI: Okay.

12 [REDACTED] Because, uh, the  
13 door is really straight. And when, when I come out,  
14 I saw some [unintelligible] at the pizza place.

15 INSPECTOR PIERUCCI: Okay.

16 [REDACTED] It happened, the  
17 shooting.

18 INSPECTOR PIERUCCI: But you saw a [REDACTED] in a  
19 red shirt with, with a hood? A, a red sweatshirt?

20 [REDACTED] It was only twenty  
21 minutes before the shooting, half an hour before  
22 the shooting. And actually, before that, like five  
23 minutes before that, there was some police, uh,  
24 car... they move the people.

25 INSPECTOR PIERUCCI: They moved them away?

1 [REDACTED] Yeah. And twenty  
2 minutes before that, there was, uh, an argument...  
3 there was uh, um, motorcycle police officer, and a  
4 police offer... officer across the street. They  
5 stopped like five [REDACTED]. Looked like the one that  
6 had the fight.

7 INSPECTOR PIERUCCI: Okay.

8 [REDACTED] And when I put the  
9 [unintelligible]... because I called... one-thirty...  
10 one-thirty in the morning, I called when shooting.  
11 So, maybe like one o'clock in the morning.

12 INSPECTOR PIERUCCI: Okay.

13 [REDACTED] [REDACTED] I saw a motorcycle  
14 police stop a couple [REDACTED] with a police car,  
15 across the street.

16 INSPECTOR PIERUCCI: All right.

17 [REDACTED] Looked like  
18 different colors. So, I was thinking it's  
19 gangsters.

20 INSPECTOR PIERUCCI: Okay.

21 [REDACTED] All right? [REDACTED]

22 INSPECTOR PIERUCCI: All right. All right. Is  
23 there anything else you want to tell us that we  
24 didn't ask you?

25 [REDACTED] No, it's... to me,

1 it's like every weekend. There was... have a fight  
2 outside. [REDACTED]  
3 [REDACTED] and the... private  
4 police that are walking on the street in  
5 Northbeach. If there are a lot of people, you know,  
6 just calling... send somebody, and they move the  
7 people. But, this time I don't have no time to  
8 [REDACTED].

9 INSPECTOR PIERUCCI: Okay.

10 [REDACTED] It was... happened too  
11 fast.

12 INSPECTOR PIERUCCI: Okay. Well, it sounds  
13 like you did the right thing, so thank you very  
14 much.

15 INSPECTOR ENGLER: Yeah, that's correct... no  
16 questions.

17 INSPECTOR PIERUCCI: Okay...

18 [REDACTED] Uh...

19 INSPECTOR PIERUCCI: Thank you very much.  
20 That's the end of the interview. It is 5:58 in the  
21 morning, on July 3<sup>rd</sup>, 2010, and that's the end of  
22 this interview.

23 END OF DOCUMENT



San Francisco Police Department  
Forensic Services Division - Criminalistics Laboratory  
Tel: [REDACTED] / Fax: [REDACTED]  
**Report of Laboratory Examination**

Incident Number 100 609 942  
Case Number 10-0406  
Incident Date July 3, 2010  
Requested By Insp. Pierucci  
Detail / Agency Homicide  
Complainant / Victim [REDACTED]  
Suspect(s) [REDACTED]

Report Date November 19, 2010

---

#### DESCRIPTION OF EVIDENCE

On September 15, 2010, Items 11, 20, and 53 were retrieved from the SFPD Property Control Division (PCD).

##### Item 20: Swabs from Pistol, SN [REDACTED]

This item contains the following:

20A-1, 2 Barrel End Swabs (2)  
20B-1, 2 Slide Swabs (2)  
20C-1, 2 Grips Swabs (2)  
20D Water Control Swab (1)

Items 11A, B: Oral Reference Swabs from [REDACTED] (2)

Items 53A, B: Oral Reference Swabs from [REDACTED] (2)

#### PURPOSE OF EXAMINATION

The purpose of this examination was to screen the pistol swabs (Item 20) for biological material, conduct genetic analysis, and compare the results against the subsequent genetic analysis of the submitted reference samples (Items 11 and 53).

#### RESULTS OF EXAMINATION

The barrel end swabs (Items 20A-1 and 20A-2) and slide swabs (Items 20B-1 and 20B-2) each contained grayish-brown discolorations, the grips swabs (Items 20C-1 and 20C-2) each contained faint gray discolorations, and the water control swab (Item 20D) contained no apparent discoloration. A chemical presumptive test for blood was positive for the slide swabs (Items 20B-1 and 20B-2); the same presumptive test was negative for the barrel end swabs (Items 20A-1 and 20A-2) and water control swab (Item 20D). The pistol swabs (Items 20A-1, 2; 20B-1, 2; 20C-1, 2; and 20D) were sampled for genetic analysis.

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San Francisco Police Department  
Forensic Services Division - Crime Laboratory  
Report of Laboratory Examination (Continued)

The oral reference swabs from [REDACTED] (Item 11A) and [REDACTED] (Item 53A) were sampled for genetic analysis, and the remaining swabs (Items 11B and 53B) were not examined and / or sampled at this time.

#### Genetic Analysis

The barrel end swabs (Item 20A-1/2), slide swabs (Item 20B-1/2), grips swabs (Item 20C-1/2), and water control swab (Item 20D) were subjected to a DNA extraction process. Subsequently, the oral reference swabs (Items 11A and 53A) were subjected to a DNA extraction process. All samples were amplified and typed using the AmpFISTR Profiler Plus DNA typing system. See Table of Results.

**Table of Results**  
**AmpFISTR Profiler Plus**

DESCRIPTION	D3S1358	vWA	FGA	AMEL	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820
Item 20A-1/2: Pistol swabs, barrel †	15 > 14,16,17	15,16 > 18	22,26,*	X,Y	13,14 > 12,15,*	30,31 > *	*	10,11,12	10,11,*	8,12
Item 20B-1/2: Pistol swabs, slide †	15 >*	16,*	ND	X,Y	13,*	*	ND	11,12	ND	ND
Item 20C-1/2: Pistol swabs, grips †	15,16,18	14,16,19, *	23,24,25	X>Y	10,13,14	30,31,*	15,18,*	11>12	11,12,13	12,*
Item 20D: Water control swab	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Item 11A: Oral reference [REDACTED]	15,16	17,17	23,28	X,Y	12,14	32,32.2	12,13	11,11	9,13	11,12
Item 53A: Oral reference, [REDACTED]	16,18	16,19	23,23	X,Y	10,13	30,32.2	10,13	11,12	12,13	10,11
Reagent Blank(s)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Key: > = greater than      ND = not detected      X, X = indicative of female gender      X,Y = indicative of male gender  
\* = inconclusive data      † = alleles recorded only, not genotypes

Genetic analysis results indicate that a mixture of DNA, from at least two individuals, was detected in the barrel end swabs (Item 20A-1/2). [REDACTED] (Item 11A) and [REDACTED] (Item 53A) are **excluded** as possible contributors to this mixture of DNA.

Genetic analysis results indicate that a partial DNA profile was detected in the slide swabs (Item 20B-1/2). [REDACTED] (Item 11A) and [REDACTED] (Item 53A) are **excluded** as possible sources of the partial DNA profile detected in the slide swabs (Item 20B-1/2).

Genetic analysis results indicate that a mixture of DNA, from at least two individuals, was detected in the grips swabs (Item 20C-1/2). [REDACTED] (Item 53A) is **included** as a possible contributor to this mixture of DNA; [REDACTED] (Item 11A) is **excluded** as a possible contributor to this mixture of DNA. Derived from the combined probability of inclusion, approximately 1 in 1,000 US Caucasians, 1 in 720 African Americans, 1 in 670 California Hispanics, and 1 in 2,400 general Asians could be a possible contributor to the mixture of DNA detected in the grips swabs (Item 20C-1/2).

JAN  
100 609 942 / CN 10-0406  
Tel: 415.671.3200 / FAX: 415.671.3290

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San Francisco Police Department  
Forensic Services Division - Crime Laboratory  
Report of Laboratory Examination (Continued)

No detectable DNA was present in the water control swab (Item 20D).

Additional genetic comparison is available upon request and submission of the appropriate reference sample(s).

**DISPOSITION OF EVIDENCE**

DNA extracts generated from the examination of Items 11, 20, 53 were packaged within their respective evidence envelopes. Items 11, 20, 53 remain in the custody of the SFPD Criminalistics Laboratory pending their return to the SFPD PCD.

Examiner By: [REDACTED]  
Tahnee Nelson, Criminalist II



San Francisco Police Department  
Forensic Services Division – Criminalistics Laboratory  
Tel: [REDACTED] / Fax: [REDACTED]  
**Report of Laboratory Examination**

Case Number 100-609-942  
Laboratory Number 10-0406  
Incident Date July 3, 2010  
Requested By Inspector Pierucci #1604  
Detail / Agency Homicide / SFPD  
Complainant / Victim [REDACTED]  
Suspect [REDACTED]  
Report Date August 4, 2010



Certified Copy

[Signature]

8/11/10  
Date

The following evidence was received in the Criminalistics Laboratory on August 2, 2010.

**DESCRIPTION OF EVIDENCE**

Bag 18 Ex. 18-1 One apparent lead fragment  
Ex. 18-2 One apparent lead bullet core  
Ex. 18-3, 18-4  
18-6, 18-11 Four fired copper bullet jackets  
Ex. 18-8, 18-9,  
18-12 – 18-15 Six fired 40 Smith & Wesson caliber cartridge cases (1 – Federal, 4 – Remington-Peters, and 1 – Winchester)  
Ex. 18-10 One fired copper bullet jacket fragment  
Ex. 18-17 Two apparent lead fragments  
Bag 50 Ex. 50-1 One 40 Smith & Wesson caliber Sig Sauer Model P226 semiautomatic pistol, serial number [REDACTED]  
Ex. 50-2, 50-3 Two magazines  
Ex. 50-4 One fired 40 Smith & Wesson caliber Winchester cartridge case  
Ex. 50-5, 50-6 Twenty-four 40 Smith & Wesson caliber Winchester cartridges  
Bag 51 Ex. 51-1 One 40 Smith & Wesson caliber Sig Model SP 2340 semiautomatic pistol, serial number [REDACTED]  
One magazine  
Three 40 Smith & Wesson caliber cartridges ( 2 – Remington-Peters and 1 – CCI)

**PURPOSE OF EXAMINATION**

Standard firearms examination

**RESULTS OF EXAMINATION**

Bag 18 Ex. 18-1, 18-2,  
18-17 The three apparent lead fragments and apparent lead bullet core do not display individual characteristics and were not examined further.

San Francisco Police Department  
Forensic Services Division – Criminalistics Laboratory  
Report of Laboratory Examination (Continued)

Ex. 18-3, 18-4,  
18-6, 18-11      The jackets were all fired from the submitted Exhibit 51-1 pistol.

The exhibits were determined to be of 40 Smith & Wesson caliber displaying rifling characteristics of six lands and grooves, right twist.

Ex. 18-8, 18-9,  
18-12 – 18-15      The cartridge cases were all fired in the submitted Exhibit 51-1 pistol.

Ex. 18-10      The jacket fragment could neither be identified nor eliminated as having been fired from the same firearm as the Exhibits 18-3, 18-4, 18-6, or 18-11 bullet jackets. Further, the jacket fragment could neither be identified nor eliminated as having been fired from the submitted pistols Exhibits 50-1 or 51-1.

The exhibit was determined to have rifling characteristics of right twist.

Bag 50 Ex. 50-1, 50-2      The pistol was examined and found to be functional using one of the submitted magazines, Exhibit 50-2.

The trigger pull was found to be within manufacturer's specifications.

Ex. 50-4      The cartridge case was fired in the submitted Exhibit 50-1 pistol.

Ex. 50-3, 50-5,  
50-6      The remaining magazine and cartridges were not examined further.

Bag 51 Ex. 51-1      The pistol was examined and found to be functional using the submitted magazine. Tests were fired and compared to the NIBIN Database and Laboratory open case file with negative results.

The cartridges were not examined further.

**DISPOSITION OF EVIDENCE**

The items will be returned to the property control division.

Examined By:

[REDACTED]  
Mark Proia, Criminalist II  
Firearm and Tool Mark Unit




---

Silicon Valley Regional  
Computer Forensic Laboratory

4600 Bohannon Drive  
Suite 200  
Menlo Park, CA 94025



## REPORT OF EXAMINATION

To: San Francisco Police Department      Date: September 17, 2010  
 850 Bryant Street  
 San Francisco, CA 94103      Case ID No.: N/A  
 Inspector Perucci  
 Lab No.: SV-10-0120

Reference: Communication dated September 17, 2010

Ref. No.: SFPD Case 100-609-942

Title: [REDACTED] Columbus Avenue

Date specimens received: July 13, 2010

Specimens:

SVE029953 Western Digital 200GB HDD, S/N [REDACTED]

SVE029954 MTD 250GB HDD, S/N [REDACTED]

Request

On July 13, 2010, Inspector Perucci, San Francisco Police Department, requested that the SVRCFL respond to [REDACTED] Columbus Ave in San Francisco, California to examine the DVR from the Europa Hotel for footage relating to an officer involved shooting. [REDACTED] the Europa Hotel, gave consent to perform the examination.

Inspector Perucci advised that he was looking for footage that occurred on Columbus Street on 7/3/2010 from 1230 hrs to 0200 hrs.

Summary of Examination:

On July 13, 2010, Sgt. Brian Rodriguez (FET) and I responded to [REDACTED] Columbus Ave in San Francisco, California. At the scene, we met [REDACTED] who

Enclosures: None

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gave us consent to remove the DVR, image it at the SVRCFL, and examine the contents.

The DVR system consisted of a Microsoft Vista based desktop computer connected to IP Cameras. Based on the configuration of this system, Sgt. Rodriguez and I removed the hard drives and transported them to the SVRCFL for imaging. On July 14, 2010, the imaging was completed on both drives. Sgt. Rodriguez and I transported the submitted hard drives back to the Europa Hotel and reinstalled the hard drives. The desktop was powered back up to ensure that it booted properly.

On September 6, 2010, I began an examination of the imaged drives. I was unable to locate any footage of the officer involved shooting, or the events that may have contributed to the incident.

Details of Examination:

On July 13, 2010, Sgt. Brian Rodriguez (FET) and I responded to [REDACTED] Columbus Ave in San Francisco, California. After obtaining a signed consent to search form, we began the examination and imaging process.

Initial Examination of the system revealed the DVR was a Compaq Presario SR5130NX Desktop Computer, S/N [REDACTED], connected to its security cameras over a standard computer network.

Based on this, we determined that the examination could be completed by imaging the internal hard drives. We powered down the system, then removed the two hard drives listed under specimens above. We attempted to image the drives on site, however, one of the drives contained errors and would have required an extended amount of time to image on site. As a result, we decided to take custody of the drives and image them at the SVRCFL.

The submitted drives were transported to the SVRCFL and booked into evidence. Using forensic imaging tools and hardware, forensic image files and archive image files were created of both drives. Using an MD5 hash algorithm, I was able to verify that images made were an exact digital duplicate of the original. After the imaging process was completed, the drives were booked back into evidence.

On July 14, 2010, Sgt. Rodriguez and I returned to [REDACTED] Columbus Ave in San Francisco, CA and reinstalled the hard drives into the desktop computer, then powered on the desktop computer.

On September 6, 2010, I began an examination of those images using the criteria in the service request. The DVR system automatically records when motion is detected.

SFPD 100-609-942

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Examining the DVR footage revealed activity on that date during daytime hours. It is my opinion that the lighting conditions during the hours of darkness were not able to trigger the recording mechanism of the DVR system.

After examining the image files, I used an MD5 hash algorithm to perform a data integrity verification on the image files. This was done to ensure that no changes were made to the image files during or as a result of the examination.

The following processes were performed:

Physical Examination of Evidence  
Search Digital Media  
Directory/File Listing  
Data Integrity Verification

The following Derivative Evidence were created and booked into evidence on July 14, 2010:

SVE029971 - LTO3 containing archive image of sve029953.  
SVE029972 - LTO3 containing archive image of sve029954.  
SVE030695 - CASE ARCHIVE CD-ROM/File Listing

Disposition of Evidence:

On July 14, 2010, the original hard drives were returned to [REDACTED] on site, and reinstalled into [REDACTED] desktop computer.

SVE029971 and SVE029972 will be retained in SVRCFL evidence control room for a period of five years in order to preserve the evidence in the event additional forensic examinations or legal proceedings require its use. After this time, they will be returned to the requestor's agency for disposition.

This examination is complete.

Examiner:

[REDACTED] #3041  
(Sgt. Alan Lee #3041)

Silicon Valley Regional Computer Forensic Lab  
Computer Analysis Response Team

SFPD 100-609-942  
SV-10-0120  
Page 3 of 3

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San Francisco Police Department  
Forensic Services Division – Criminalistics Laboratory  
Tel: [REDACTED] / Fax: [REDACTED]  
**Report of Laboratory Examination**

**Case Number** 100-609-942  
**Laboratory Number** 10-0406  
**Incident Date** 7/3/10  
**Requested By** Insp. Pierrucci  
**Detail / Agency** Homicide  
**Complainant / Victim** [REDACTED]  
**Suspect** [REDACTED]  
**Report Date** 9/10/10



Certified Copy

[Signature]

9/15/10

Initials

Date

---

The following evidence was received in the Criminalistics Laboratory on 8/2/10 and on 8/26/10.

**DESCRIPTION OF EVIDENCE**

Bag 3 (2) GSR collection stubs: [REDACTED]  
(2) GSR collection stubs: [REDACTED]  
(2) GSR collection stubs: [REDACTED]

Bag 4 (1) Black knit glove, (1) red shoe, (1) white sock

**PURPOSE OF EXAMINATION**

Examine the gunshot residue (GSR) collection stubs contained in Bag 3, and the glove contained in Bag 4, for the presence of GSR.

**RESULTS OF EXAMINATION**

Bag 3, (2) GSR collection stubs: [REDACTED]  
One characteristic GSR particle containing lead, barium and antimony was detected on the right hand sample from [REDACTED]. One characteristic GSR particle containing lead, barium and antimony was also detected on the left hand sample from [REDACTED].

Bag 3, (2) GSR collection stubs: [REDACTED]  
Characteristic GSR particles containing lead, barium and antimony were detected on the left hand sample from [REDACTED]. One characteristic GSR particle containing lead, barium and antimony was detected on the right hand sample from [REDACTED].

Bag 3, (2) GSR collection stubs: [REDACTED]  
The particles detected on the hand samples from [REDACTED] are not indicative of GSR.

Bag 4, Black knit glove

The interior and exterior surfaces of the glove were sampled for GSR using separate GSR collection stubs. The particles detected on the glove are not indicative of GSR.

The presence of GSR on an individual's hands indicates that either:

- The individual fired a gun.
- The individual was in close proximity to a gun as it was discharged.
- The individual touched a gun or other object with GSR on its surface and particles were transferred to the hands.

**DISPOSITION OF EVIDENCE**

The evidence items listed above will returned to the property control division. The GSR collection stubs used to sample the glove were packaged in Bag 4 with the glove.

Examined By:

  
Linda Abuan, Criminalist II

1           INSPECTOR PIERUCCI: This is Inspector  
2 Pierucci and Inspector Engler.

3           INSPECTOR ENGLER: Uh, star 239.

4           INSPECTOR PIERUCCI: Uh, Inspector Pierucci,  
5 star number 1604. Investigating case number  
6 100609942. Uh, today's date is uh, July 3<sup>rd</sup>, uh,  
7 2010. And the time is now 0-4-3-6 hours. Uh, 0-4-  
8 36. Um, with us at the [REDACTED], uh,  
9 Interview Room, is um, [REDACTED]?

10          [REDACTED]

11          INSPECTOR PIERUCCI: [REDACTED],  
12 is that correct?

13          [REDACTED] Yes.

14          INSPECTOR PIERUCCI: All right. Do you mind if  
15 I call you [REDACTED]? [REDACTED] is good?

16          [REDACTED] That's fine.

17          INSPECTOR PIERUCCI: Okay. [REDACTED] um,

18          INSPECTOR ENGLER: Well, let's, let's cover  
19 the circumstances that you came down here.

20          INSPECTOR PIERUCCI: Okay.

21          INSPECTOR ENGLER: Um, you came down here  
22 today, uh, uh, earlier in the evening, there was  
23 some kind of incident out in the Broadway-Columbus  
24 area, is that right?

25          [REDACTED] Yes.

1           INSPECTOR ENGLER: All right. And, uh,  
2 sometime after that, police officers responded. You  
3 were in the area, and uh, you agreed to cooperate  
4 with the police, and said you may have seen  
5 something to help the investigation. Is that right?

6           [REDACTED] Yeah.

7           INSPECTOR ENGLER: And you agreed to go to  
8 Central Station, and uh, with a bunch of other  
9 witnesses, where... that's where we first met,  
10 correct?

11          [REDACTED] Yeah.

12          INSPECTOR ENGLER: And then we asked if you'd  
13 come down here to the Hall of Justice to give a  
14 volunteer interview today, is that right?

15          [REDACTED] Yeah.

16          INSPECTOR ENGLER: So, so that's what this is.  
17 We're going to do a volunteer interview.

18          [REDACTED] Okay.

19          INSPECTOR ENGLER: Okay?

20          [REDACTED] That's fine.

21          INSPECTOR PIERUCCI: Okay. [laugh] [REDACTED]

22          [REDACTED] what's your birth date?  
[REDACTED]

24          INSPECTOR PIERUCCI: [REDACTED]

25          [REDACTED] Yeah.

1                   INSPECTOR PIERUCCI: All right. Um, I'll give  
2 you one of these Google maps here, if it helps you  
3 out, okay? If it helps you out, so you can kind of  
4 see what's going on. And here's a satellite view of  
5 that, okay?

6                   [REDACTED] Okay.

7                   INSPECTOR PIERUCCI: All right. And you can go  
8 ahead and tell Inspector Engler and I, where you  
9 were...

10                  [REDACTED] [unintelligible] [overlapping  
11 speech]

12                  INSPECTOR PIERUCCI: ...Yeah. And what you saw  
13 okay? Here's a pen, and you can go ahead, and just  
14 kind of put an X where you were.

15                  INSPECTOR ENGLER: I want you to explain what  
16 you saw tonight. Let's not put the cart before the  
17 horse. Just, just want to [unintelligible]  
18 [overlapping speech] first.

19                  [REDACTED] Basically I was walking to the  
20 store from Little Darlings.

21                  INSPECTOR PIERUCCI: Okay. All right.

22                  [REDACTED] So walking up the street, no  
23 commotion... I go inside the store, I walk back out,  
24 walk, start walking back down the street, and I see  
25 a group of people. And then like a few people,

1 maybe two... I think it was only two people. And as  
2 I'm walking past them and they're discussing  
3 whatever they're saying to each other, all I caught  
4 was "pull it up, and you ain't gonna shoot all of  
5 us." That's what one of the other people said to  
6 the people that had the gun. Is what, "pull it up,  
7 and you ain't gonna shoot all of us." Because [REDACTED]  
8 had probably threatened them, I don't know. But, as  
9 I, as I keep walking, I'm walking past them as all  
10 that's going on... [REDACTED] turns around... I seen [REDACTED] go  
11 like this. I don't know... obviously [REDACTED] took off the  
12 safety and cocked it, whatever. And then, right  
13 when I turned back around, I seen boom. I seen the  
14 little flash and I heard it. And then I just hit  
15 the floor, covered up. And then [REDACTED] ran next to  
16 me, [REDACTED] the one that got shot. That's about it.  
17 That's all I know. And the [REDACTED] that was the actual  
18 shooter, [REDACTED] was in a red sweatshirt... red sweatshirt  
19 with a black beanie, I'm pretty sure. [REDACTED] a  
20 [REDACTED].

21 INSPECTOR PIERUCCI: Okay. The actual shooter  
22 that you saw, that pulled the trigger, and hit the  
23 [REDACTED] next to you...

24 [REDACTED] Well, [REDACTED] was the only one that  
25 was shooting. And then the cop that got out, I

1 think he was shooting is... uh, you... a undercover car  
2 had pulled up right when it had happened. Like  
3 right when he fired off the first two shots.

4 INSPECTOR PIERUCCI: Mm-hmm.

5 [REDACTED] Or maybe three. Right when I  
6 hit the floor, a undercover car hopped out. And I  
7 think he shot, if I'm not mistaken...

8 INSPECTOR PIERUCCI: Okay.

9 [REDACTED] ...Well, I was covering my head,  
10 but that's what the other [REDACTED] said too.

11 INSPECTOR PIERUCCI: All right. Okay. So,  
12 let's start, let's start over again. You're, you're  
13 here on Columbus?

14 [REDACTED] Yeah.

15 INSPECTOR PIERUCCI: Right in front of the...

16 [REDACTED] Yes, Little Darlings.

17 INSPECTOR PIERUCCI: ...The Little Darlings is  
18 around here. Okay. All right, so [REDACTED] Columbus.  
19 That's the address there, okay? You're outside of  
20 Little Darlings?

21 [REDACTED] Well, liquor store is... where  
22 would the liquor store be? Where's that?

23 INSPECTOR PIERUCCI: It's at the corner.

24 [REDACTED] At the corner? So, I was  
25 walking... I was approximately...

1           INSPECTOR PIERUCCI: Why don't, why don't you,  
2 why don't you draw an arrow in the direction...

3           INSPECTOR ENGLER: Where you were going.

4           [REDACTED] Here's the liquor store...

5           INSPECTOR PIERUCCI: Okay. Were you at the  
6 corner there?

7           [REDACTED] Here's Little Darlings.

8           INSPECTOR PIERUCCI: Okay.

9           [REDACTED] This is the pizza place. This  
10 is like where it happened, and in front of.

11          INSPECTOR PIERUCCI: Okay.

12          [REDACTED] It happened like right here.

13          INSPECTOR PIERUCCI: Why don't you put the  
14 number one where it happened. Okay?

15          [REDACTED] And then... so when I walked up,  
16 I was like...

17          INSPECTOR PIERUCCI: Put an X where you were.  
18 Okay.

19          [REDACTED] I was like right there. I was  
20 like basically passing [REDACTED]. Like I was walking past  
21 [REDACTED].

22          INSPECTOR PIERUCCI: Past who?

23          [REDACTED] Past the shooter, whoever had  
24 the gun... the [REDACTED] in the red sweatshirt.

25          INSPECTOR PIERUCCI: Okay. So let's do this...

1 let's start with the shoot... the [REDACTED] that you call  
2 the shooter, red sweatshirt with a black beanie.

3 [REDACTED] Okay.

4 INSPECTOR PIERUCCI: Okay. Let's, let's go  
5 through... what else did you see about [REDACTED]. What else  
6 did [REDACTED] look like?

7 [REDACTED] All I seen was [REDACTED] was [REDACTED]  
8 [REDACTED].

9 INSPECTOR PIERUCCI: [REDACTED]

10 [REDACTED]

11 [REDACTED] Uh... [REDACTED] like [REDACTED]  
12 Actually, like hella, hella look, because I wasn't  
13 even really trippin' until I hear the gunshots.

14 INSPECTOR PIERUCCI: Okay. So [REDACTED] was a [REDACTED]  
15 [REDACTED], right?

16 [REDACTED] And [REDACTED] was hella skinny.

17 INSPECTOR PIERUCCI: Okay. [REDACTED] was skinny. Do  
18 you know about how old [REDACTED] was?

19 [REDACTED] Uh-uh. I'm...

20 INSPECTOR PIERUCCI: How old are you?

21 [REDACTED] I don't want to seem like  
22 assum... I don't want to make assumptions but...

23 INSPECTOR PIERUCCI: How, how old are you?

24 [REDACTED]

25 INSPECTOR PIERUCCI: Do you think [REDACTED] was older

1 than you or younger than you?

2 [REDACTED]

3 [REDACTED].

4 INSPECTOR PIERUCCI: [REDACTED]

5 years. And... uh, could you tell [REDACTED]?

6 [REDACTED] I didn't even look up. I just  
7 looked...

8 INSPECTOR PIERUCCI: [REDACTED] just looked [REDACTED]

9 [REDACTED].

10 [REDACTED] [unintelligible]... I'm pretty  
11 sure [REDACTED] was [REDACTED].

12 INSPECTOR PIERUCCI: Okay.

13 [REDACTED] Not sure though.

14 INSPECTOR PIERUCCI: Okay. Did you see,  
15 starting with [REDACTED] head...

16 [REDACTED] With a hood on it.

17 INSPECTOR PIERUCCI: With a hood...

18 [REDACTED] And then [unintelligible]

19 INSPECTOR PIERUCCI: What color hood?

20 [REDACTED] Red, red sweatshirt.

21 INSPECTOR PIERUCCI: Like a red sweatshirt.

22 Okay. And with a hood? Okay. Was there anything  
23 distinctive about [REDACTED] face? Did [REDACTED] have [REDACTED]

24 [REDACTED] Was there anything about [REDACTED] face...

25 [REDACTED] No, not really.

1                   INSPECTOR PIERUCCI: ...Uh, dental work that  
2 showed... anything?

3                   [REDACTED] I don't remember anything.

4                   INSPECTOR PIERUCCI: Okay. The hood was up.  
5 And did you see the brim of a baseball cap coming  
6 out of there?

7                   [REDACTED] Uh, it was just like a beanie.  
8 Like uh... just a regular beanie.

9                   INSPECTOR PIERUCCI: Like a beanie cap?

10                  [REDACTED] Yeah.

11                  INSPECTOR PIERUCCI: So a red sweatshirt with  
12 the hood up.

13                  [REDACTED] Yeah.

14                  INSPECTOR PIERUCCI: Did you see the color of  
15 the beanie cap?

16                  [REDACTED] It was black. Because I... like  
17 I... like I said, when I walked past [REDACTED], [REDACTED] was  
18 facing like my way. As I was walking directly past  
19 [REDACTED]. And then, right when I past [REDACTED] is when I  
20 took... looked back behind me and [REDACTED] was standing  
21 there like boom, boom, boom.

22                  INSPECTOR PIERUCCI: The red sweatshirt, was  
23 there any writing on it? [phone ringing]

24                  [REDACTED] I think there was a design,  
25 but I don't know. I'm not positive on it.

1           INSPECTOR PIERUCCI: Okay. Um, the pants, did  
2 you see them? What kind of pants did [REDACTED] have on?

3                             [REDACTED] I didn't even pay attention.

4           INSPECTOR PIERUCCI: You went down to the  
5 ground at some point, is that correct?

6                             [REDACTED] Yeah.

7           INSPECTOR PIERUCCI: When you went down to the  
8 ground, you said you saw what looked like an  
9 undercover officer chasing [REDACTED], is that right?

10                 [REDACTED] Right when I hit the floor, an  
11 undercover car stopped right where I was at, and  
12 jumped out. And I seen he had his gun out, and  
13 right when he jumped out, that's when the [REDACTED]  
14 obviously took off. I thought he chased the [REDACTED]  
15 and got [REDACTED]. I don't know. I went inside, back  
16 inside the club and went "hey man," and told them  
17 what happened. And then...

18           INSPECTOR PIERUCCI: You went back inside  
19 which club?

20                 [REDACTED] In Little Darlings.

21           INSPECTOR PIERUCCI: In Little Darlings, okay.  
22 All right. Anything else that's distinctive about  
23 this [REDACTED] that you saw?

24                 [REDACTED] Not that I know of, so no.

25 Just the red sweatshirt, that's it. And it looked

1 like [REDACTED] had a beanie cap on. That's about it.

2 INSPECTOR PIERUCCI: Okay. All right. So, you  
3 are walking down from Grant Avenue, is that  
4 correct? You're at Grant Avenue here? This is  
5 Grant. And you're here at the corner?

6 [REDACTED] I think Grant's further up.

7 INSPECTOR PIERUCCI: And so you're a little  
8 lower?

9 [REDACTED] It's like right where that  
10 little alley is. I know there's a corner on there...  
11 little um...

12 INSPECTOR PIERUCCI: Where the little alley  
13 is?

14 [REDACTED] The alleys goes all the way up  
15 to Coit Tower or whatever...

16 INSPECTOR PIERUCCI: Okay.

17 [REDACTED] ...Just about.

18 INSPECTOR PIERUCCI: Yeah, that's uh Fresno  
19 Alley, right?

20 [REDACTED] I'm not sure.

21 INSPECTOR PIERUCCI: [cough]

22 [REDACTED] Right there, there's a corner  
23 store. Right there... [unintelligible]

24 INSPECTOR PIERUCCI: Okay. All right. So,  
25 you're at the alleyway. You're at the little